

By Mr. SITES: A bill (H. R. 6469) granting a pension to Joseph L. Lemberger; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 6470) granting a pension to Jane Dyer; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 6471) for the relief of Edward Johnson; to the Committee on Military Affairs.

Also, a bill (H. R. 6472) for the relief of George W. McNeil; to the Committee on Military Affairs.

Also, a bill (H. R. 6473) granting an increase of pension to Mary E. Veith; to the Committee on Invalid Pensions.

By Mr. SWANK: A bill (H. R. 6474) granting a pension to Anna E. Legg; to the Committee on Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 6475) granting an increase of pension to Linda Bentley; to the Committee on Invalid Pensions.

By Mr. WELSH: A bill (H. R. 6476) granting an increase of pension to Ada L. Kinsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6477) granting a pension to Liberty E. Frank; to the Committee on Invalid Pensions.

By Mr. WOLFF: A bill (H. R. 6478) granting a pension to William E. Robinson; to the Committee on Pensions.

Also, a bill (H. R. 6479) granting an increase of pension to Margaret E. Myers; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 6480) granting an increase of pension to Catherine Hayden; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

795. By Mr. BURTON: Petition of 525 members of the Ohio State Grange, urging a reduction in Federal taxes; to the Committee on Ways and Means.

796. By Mr. CORNING: Petition of Augustus S. Downing, assistant commissioner and director of professional education, State department of education, Albany, N. Y., in relation to the lowering of Federal taxes; to the Committee on Ways and Means.

797. By Mr. CROWTHER: Petition of 200 residents of Schenectady, N. Y., indorsing the Mellon plan of tax revision; to the Committee on Ways and Means.

798. Also, petitions of Fannie L. Stern, 24 Lowell Road, Schenectady, N. Y.; Frank W. Peters, of Schenectady, N. Y.; and Nelson L. Finch, of Broadalbin, N. Y., urging tax revision along the lines recommended by Secretary Mellon, of the United States Treasury; to the Committee on Ways and Means.

799. By Mr. CULLEN: Petition of Metropolitan Express Lodge, No. 2125, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, New York City, N. Y., favoring the passage of House bill 4123, to grant an increase in salaries of postal employees; to the Committee on the Post Office and Post Roads.

800. By Mr. DARROW: Petition of the Philadelphia Board of Trade, favoring the enactment of House bill 646, to make valid and enforceable written provisions or agreements for arbitration of disputes; to the Committee on the Judiciary.

801. By Mr. EVANS of Montana: Petition of John R. Hansen and others, urging the United States to enter the World Court; to the Committee on Foreign Affairs.

802. By Mr. GALLIVAN: Petition of Joseph Adams, Roxbury, Mass., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

803. Also, petition of David C. Pike and others of Dorchester, Mass., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

804. By Mr. KINDRED: Petition of Mrs. Henrietta Briggs Wall, submitting a practical plan to promote patriotism, indorsed by the Department of Labor, United States Bureau of Naturalization, Division of Citizenship Training; to the Committee on Education.

805. Also, petition of Prison Association, asking establishment of two Federal industrial reformatories; to the Committee on the Judiciary.

806. Also, petition of Thomas P. Tuite, urging that an increase of pension be allowed to veterans of the Civil War; to the Committee on Invalid Pensions.

807. By Mr. KING: Petition of the Mississippi Valley Power Boat Association, favoring the repeal of the 10 per cent excise tax on pleasure boats; to the Committee on Ways and Means.

808. By Mr. MacGREGOR: Petition of board of supervisors, Erie County, State of New York, favoring increased compensation for rural mail carriers; to the Committee on the Post Office and Post Roads.

809. By Mr. O'CONNELL of Rhode Island: Petitions of Lady Auxiliary of the North End Talmud Torahs, Loggia

Italia, No. 263, all of Providence, R. I., and District 6, Y. M. and Y. W. H. A. of N. E., opposing the selective immigration bill; to the Committee on Immigration and Naturalization.

810. By Mr. WYANT: Petition of citizens of Pennsylvania, favoring the enactment of House bill 4123 into law; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, January 31, 1924.

(Legislative day of Monday, January 28, 1924.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Adams	Elkins	Keyes	Reed, Mo.
Ashurst	Ernst	King	Robinson
Ball	Fernald	Ladd	Sheppard
Bayard	Ferris	La Follette	Shields
Borah	Fletcher	Lenroot	Shipstead
Brandegee	Frazier	Lodge	Shortridge
Brookhart	George	McKellar	Sinmons
Broussard	Gerry	McKinley	Smith
Bruce	Glass	McNary	Smoot
Bursum	Gooding	Mayfield	Spencer
Cameron	Greene	Moses	Stanfield
Capper	Hale	Neely	Stanley
Caraway	Harrell	Norbeck	Sterling
Copeland	Harris	Norris	Swanson
Couzens	Harrison	Oddie	Trammell
Cummins	Heflin	Overman	Underwood
Curtis	Howell	Owen	Wadsworth
Dale	Johnson, Calif.	Pepper	Walsh, Mass.
Dial	Johnson, Minn.	Phillips	Walsh, Mont.
Dill	Jones, N. Mex.	Pittman	Warren
Edge	Jones, Wash.	Ralston	Watson
Edwards	Kendrick	Randall	Wheeler.

The PRESIDENT pro tempore. Eighty-eight Senators have answered to their names. There is a quorum present.

ADMINISTRATION OF TRADING WITH THE ENEMY ACT.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Interstate Commerce:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, a report of the Federal Trade Commission covering its administration of certain powers vested in the President by section 10 of the act of Congress approved October 6, 1917, being an act to "define, regulate, and punish trading with the enemy, and for other purposes," and by the President delegated to the Federal Trade Commission by Executive order dated October 12, 1917.

CALVIN COOLIDGE.

THE WHITE HOUSE, January 31, 1924.

[NOTE.—Report accompanied similar message to the House of Representatives.]

REPORTS OF PUBLIC UTILITIES IN THE DISTRICT.

The PRESIDENT pro tempore laid before the Senate the following communications, which, with the accompanying reports, submitted pursuant to law, were referred to the Committee on the District of Columbia:

A communication from the president of the Washington Railway & Electric Co., transmitting the annual report of the company for the year ended December 31, 1923;

A communication from the president of the Georgetown & Tennytown Railway Co., transmitting the annual report of the company for the year ended December 31, 1923;

A communication from the president of the City & Suburban Railway of Washington, transmitting the annual report of the company for the year ended December 31, 1923;

A communication from the president of the Washington Interurban Railroad Co., transmitting the annual report of the company for the year ended December 31, 1923; and

A communication from the president of the Potomac Electric Power Co., transmitting the annual report of the company for the year ended December 31, 1923.

PETITIONS.

Mr. LADD presented the petitions of Ole Nesja and 36 other citizens of Havelock; of M. Rome and 86 other citizens of New England, Belfield, and Lefor; of R. O. Brikk and 81 other citizens of Stanley, Palermo, and Ross; of W. J. Peters and 91 other citizens of New England, Havelock, and Midway, and of T. Becker and 129 other citizens of Gladstone, Richardton, Mott, and Lefor, all in the State of North Dakota, praying for the passage of legislation to establish Government control of the marketing of farm products and minimum prices therefor, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. McNARY, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 1631) to authorize the deferring of payments of reclamation charges, reported it without amendment and submitted a report (No. 111) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 63) authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam, reported it without amendment and submitted a report (No. 112) thereon.

Mr. GEORGE, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 2111) authorizing the Postmaster General to conduct an experiment in the Rural Mail Service, and for other purposes, reported it with an amendment and submitted a report (No. 113) thereon.

BILL RECOMMENDED.

On motion of Mr. SPENCER, the bill (S. 56) for the allowance of certain claims for indemnity for spoiliations by the French prior to July 31, 1801, as reported by the Court of Claims, was recommitted to the Committee on Claims.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ERNST (by request):

A bill (S. 2296) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes"; to the Committee on Patents.

By Mr. ERNST:

A bill (S. 2297) for the erection of a public building in the city of Harrodsburg, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. RANSDELL:

A bill (S. 2298) granting a pension to Veronica Czarnecki; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 2299) to validate the payment of commutation of quarters, heat, and light under the act of April 16, 1918, and of rental and subsistence allowances under the act of June 10, 1922; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 2300) to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906; to the Committee on the Judiciary.

A bill (S. 2301) for the relief of Thomas G. Patten; and

A bill (S. 2302) for the relief of the Moran Towing & Transportation Co.; to the Committee on Claims.

A bill (S. 2303) granting a pension to Margaret F. Gallaher;

A bill (S. 2304) granting a pension to Anna Mae Banning; and

A bill (S. 2305) granting back pension due to John J. Haggerty; to the Committee on Pensions.

AMENDMENT TO PROPOSED REVENUE BILL.

Mr. KING submitted an amendment in the nature of a substitute intended to be proposed by him to a proposed House bill to reduce and equalize taxation, to provide revenue, and for other purposes, which was ordered to lie on the table and to be printed.

RESIGNATIONS OF NAVY DEPARTMENT OFFICIALS.

Mr. BALL submitted an amendment intended to be proposed by him to the resolution (S. Res. 134) expressing it as the sense of the Senate that the President of the United States request the resignation of Edwin Denby and certain other officers and officials of the Navy Department, which was ordered to lie on the table and to be printed, as follows:

On page 1, line 1, strike out all after the word "Resolved," and insert the following:

"That it is the sense of the United States Senate that the President of the United States immediately request the resignation of all officials and officers whose connection with the leasing of the oil reserves of the Government indicate misfeasance or malfeasance in office."

WITHDRAWAL OF PAPERS—LOUIS SCHOLL.

On motion of Mr. JONES of Washington, it was

Ordered, That the papers accompanying the bill (S. 4476) granting a pension to Louis Scholl, second session, Sixty-first Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 794) to equip the United States penitentiary, Leavenworth, Kans., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes.

LEASES OF NAVAL OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 54) to procure the annulment of the lease to the Mammoth Oil Co.

Mr. PHIPPS. Mr. President, during the discussion of the joint resolution last evening, I offered an amendment to change the word "directed" to the word "requested," believing that there was no precedent in this Chamber under which the President should be directed to do any certain thing. I am now informed that I was under a misapprehension, or at least there is a precedent. Some discussion was brought on by the amendment which might lead to a considerable consumption of time if it were insisted upon. I therefore ask unanimous consent to withdraw the amendment.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent to withdraw the amendment pending. Is there objection? The Chair hears none. The order for taking the vote by yeas and nays on the amendment is rescinded, and it is withdrawn.

Mr. TRAMMELL. Mr. President, I offer the amendment which I send to the desk, and ask to have it read.

The PRESIDENT pro tempore. The Senator from Florida proposes an amendment which will be stated.

The READING CLERK. On page 4, after the words "contrary notwithstanding," in line 13, page 3 of the reprint, add as a new paragraph the following:

Be it further resolved, That it is the sense of the Congress that the President should immediately request the resignation of the Secretary of the Navy.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Florida to the amendment in the nature of a substitute, as modified, submitted by the Senator from Montana [Mr. WALSH].

Mr. ASHURST. Let us have the yeas and nays.

Mr. LODGE. I would like to have the amendment read again. There was much confusion in the Chamber at the time of its reading.

The reading clerk again read the amendment to the amendment.

Mr. LODGE. Mr. President, I am in favor of the joint resolution now pending and intend, of course, to vote for it, but I desire to speak briefly with reference to the amendment which has just been presented by the Senator from Florida. I had supposed that such an amendment would come up later. I am sorry the effort should be made to attach it to the pending joint resolution.

The amendment proposed calls upon the President to demand the resignation of the Secretary of the Navy. I suppose, strictly speaking, that the Senate has the right to make that request of the President, but of course it has absolutely no power in the premises whatsoever. If it be the opinion of Congress that a Cabinet officer or any other civil officer of the United States should be removed, the Constitution gives the Congress the method—and only one method—of doing it. The Constitution provides that such removal shall be by impeachment. Neither this body nor the House of Representatives, nor both together, have the power in any other way to interfere in the matter of removals from office. I think that was finally settled after the long struggle in connection with the case of Andrew Johnson, the last trace of which was removed when Congress repealed what was known as the "tenure of

office" act. Therefore this resolution is a mere expression of opinion.

It seems to me this would be going beyond the normal duties and functions of the Senate which are generally recognized. I think the undertaking to make and unmake Cabinets by votes of the Senate is wholly beyond the power of the Senate. The power of the Senate is confined, so far as actual power goes, to giving its advice and consent to nominations. There is no one more jealous of the prerogatives of the Senate than am I, but it seems to me this would be trespassing on the undoubted rights of the Executive. The President can ask for the resignation of an officer of any kind outside the provisions of the civil service law; he can ask for the resignation of a Cabinet officer; and it seems to me that it is properly within his jurisdiction, and his alone, and that to attempt to force him to do this by an expression of the Congress—for the amendment puts the legislation into the form of a joint resolution—opens a practice which in every way would be most undesirable. It would be an attempt on the part of Congress to assume executive duties, and to a certain extent, the control of the Executive in functions which are purely executive.

I believe in the constitutional doctrine of the three independent and coordinate branches of the Government—the legislative, judicial, and executive. I should resist very strongly any attempt to invade any right of the Senate, as I understand that right; I have done so in the past but I have never favored trespassing in any way on executive functions and executive rights.

So far what I have said relates merely to the purpose of the amendment to the resolution as proposed in its most general aspects. I think it would be bad practice, and I think it would be an attempt on the part of Congress to take to itself powers which do not belong to it. Of course, we may call it a mere expression of opinion, but it is an attempt to force the hands of the Executive in the performance of a duty which is undoubtedly his alone.

Mr. President, I have another objection to this proposed legislation. I am as aware as anybody can be and appreciate fully the failure of the Secretary of the Navy before the committee, as shown by the extracts from the testimony which were partly read by the Senator from Montana [Mr. WALSH], to give a proper statement of his actions and the reason for his actions in regard to his signature upon the leases. He ought to have known, as a matter of the most general information, what those leases were and the general details about them which are known to all the world. I do not agree with him in his interpretation of the right of his department to make those leases. I think it was his duty to have resisted—and to have followed the law in so doing—the transfer of the power given by Congress to the Secretary of the Navy in regard to oil lands. I do not approve of the public statement which he made on the day before yesterday, I believe. But, Mr. President, I have not as yet seen any evidence, either in the hearings or elsewhere, which in any way shows that the Secretary of the Navy is other than an honest man; and, however mistaken and however wrong he was, I can see no proof that would stand a minute in any court that he was guilty of anything more than very serious mistakes; lack of competence, if you choose to call it so. But here we propose to force him from office, if we can, without any opportunity to be heard in his own defense, without any opportunity to have his case presented by counsel, without any opportunity to defend himself in the constitutional ways which are provided by our fundamental law.

We deprive him at a blow of all the protections which are thrown around a man who is threatened with punishment for crime, more severe to him under these conditions than any punishment, except capital punishment, which a court can impose. We propose to pass upon him here by resolution in a body, divided at least by politics, without any proof of dishonesty or guilt or wrongdoing or moral turpitude, and without giving him any opportunity whatever to have those rights which are secured to the meanest, skulking, thief upon the streets of this great city. It is lynch law; that is what is attempted. We may feel that he may have been misinformed, that he may have been incompetent in his office, but that is not a crime; and we give him no chance to be tried, but we condemn him, a soldier of two wars, in the presence of the whole people of the United States, unheard, undefended, unprotected by any of the many protections which are cast about every American citizen who is brought before his fellow citizens for trial.

Mr. President, it is impossible for me to vote for an amendment of that kind, for I think it is an outrage on every principle of justice and fair trial.

Mr. PITTMAN. Mr. President, I can not bring myself to agree with the Senator from Massachusetts in regard to the propriety of the Senate advising the President of the United States if in their opinion they believe that an appointee of the President who was appointed with the advice and consent of the Senate is not fitted longer to hold that position.

The appointment and confirmation of an officer of that type is something like the exercise of authority in the making of a treaty. The President has exclusive power to nominate a Cabinet member; the President has the exclusive power under the Constitution to initiate a treaty; yet in both cases the transaction is not consummated until it receives the advice and consent of the United States Senate. The question has arisen before in this body as to whether or not it is a proper exercise of authority for the United States Senate to advise the President with regard to the initiation of a treaty. It has been held that it is a proper function of the Senate to advise the President with regard to the initiation of a treaty.

The Senate is equally responsible for the appointment of Mr. Denby as Secretary of the Navy. He could not have held the office which he now holds except for the advice and consent of this body. They advised and consented to his appointment upon the theory, undoubtedly, that he was fitted for the position. If it now transpires that he is not fitted for the position, it seems just as appropriate for the Senate to advise the President of the present opinion of this body as it was originally to advise the President that they believed that he was fitted for the nomination. This body has advised and consented to the making of treaties—

Mr. LODGE. Mr. President—

Mr. PITTMAN. I will yield in a moment. This body has advised the making of a treaty, and later on it has advised the President to seek the annulment of the same treaty. I now yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, I am afraid I expressed myself very badly. I do not think I denied the right on the part of the Senate to express its opinion.

Mr. PITTMAN. No; I am discussing the propriety.

Mr. LODGE. That is what I endeavored to discuss.

Mr. PITTMAN. That is all I am trying to discuss now.

Mr. LODGE. I was discussing the propriety of the proposed action. If the Senator will pardon me for the moment as to the analogy with a treaty, I agree, absolutely, with what the Senator has said about a treaty; but after a treaty has been advised and consented to by the Senate, then it is the law of the land, and the Senate can not change it. I do not think that the cases are quite parallel, but I never meant to deny for a moment the right of the Senate to express its opinion. I was speaking merely of the propriety of the proposed action.

Mr. PITTMAN. Mr. President, I wish to say that I know of no direct evidence which indicates any criminal action upon the part of the Secretary of the Navy. The most that I have in mind, from the evidence which I have heard, is that he was intimately connected with what has transpired to be a corrupt transaction. At present I am of the opinion that his connection with it is due entirely to two things—to neglect of duty in the first place, and in the second place to an incapacity to take care of the business intrusted to him as Secretary of the Navy.

I think it is essential, in considering whether or not one of the great departments of this Government should be in the control and power of a certain officer, that he have the capacity, just as much as it is essential that he be honest. It is unnecessary at this time, as far as I am concerned, to try the question or to take evidence as to whether or not Mr. Denby had knowledge of the corruption that resulted in the Teapot Dome lease and the lease of Navy petroleum reserve No. 1. His own admissions before the Committee on Public Lands and Surveys, which have been read in part to this body, his own admissions with regard to the whole transaction, and his subsequent reaffirmation through the papers of the attitude that he took and now holds, are sufficient, in my opinion, to brand him as totally unfit to be the head of this great department.

Holding that view, I desire an opportunity to express my opinion on it by a vote. I desire, as one Member of this body, to join in advice to the President of the United States that we consider Mr. Denby totally unfit to hold this office, and that his occupancy of that position is a constant and continuing danger to the United States; and yet, Mr. President, I regret that this amendment has been offered. There is a joint resolution pending here—it was introduced two or three days ago and is now lying on the table—to accomplish the same exact purpose as the amendment just offered by the Senator from Florida [Mr. TRAMMELL]. That resolution was offered by the minority leader, the Senator from Arkansas [Mr. ROBINSON].

Mr. BORAH. Mr. President—

Mr. PITTMAN. I yield.

Mr. BORAH. If this amendment is going to be urged, I think it ought to be as a separate and distinct proposition.

Mr. PITTMAN. That is exactly what I am coming to.

Mr. BORAH. It will take some time to dispose of this joint resolution otherwise.

Mr. PITTMAN. I thank the Senator for that suggestion. I know that the Senator from Idaho is in favor of the joint resolution to which the amendment is offered as it now stands. He is frank enough to indicate that he would possibly be against it with this amendment on it, or, at least, that he will have to have time to consider it or investigate it. It is most important, Mr. President, that we pass this joint resolution without delay.

I am not complaining about the debate that has been had upon it. It is an important subject. It involves many intricate questions of law as well as of fact. It was natural that there should be extensive debate upon this subject, particularly upon the part of those who are supposed to know something about it. It was natural that members of the committee who have voted for the joint resolution of the Senator from Montana [Mr. WALSH] should explain to the United States Senate why they favor it. That debate has been quite extensive. I do not know of a single phase of the matter that has not been ably and fully discussed. What we want now, and what the country wants now, is action. It wants action on this joint resolution to-day.

As to the matter of advising the President of the United States that in the opinion of this body Mr. Denby is unfit for his present position, we realize our advice need not be followed. As far as the passage of this joint resolution is concerned, if passed in the proper form, the President must follow it. Therefore, the immediate passage of the joint resolution is a material and effective action.

Mr. SHORTRIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from California?

Mr. PITTMAN. Just a minute. An emergency exists with regard to the passage of this joint resolution; and while there may be some emergency as to the necessity of getting a fit man as Secretary of the Navy, it is not such an emergency as is the passage of this joint resolution.

Now I yield to the Senator.

Mr. SHORTRIDGE. Mr. President, I understand the Senator from Nevada now to state that a necessity exists which requires that this joint resolution, leaving out for the moment the proposed amendment, should be immediately passed. I assume that the Senator from Nevada and other Senators upon the other side of the aisle are more or less familiar with public current events. Is not the Senator from Nevada full well aware that without any aid from Democratic Senators or Republican Senators the President of the United States has already acted, and has done and will proceed to do all that this joint resolution seeks to direct or compel him to do?

Mr. PITTMAN. Mr. President, the action of the President of the United States with regard to this whole transaction has been very fully discussed. I did not rise for the purpose of entering into a criticism of the President of the United States. I rose to direct my attention specifically to the amendment offered by the Senator from Florida [Mr. TRAMMELL] now before the Senate.

Mr. SHORTRIDGE. The Senator will observe that in my question I excluded this amendment, which I think is utterly abhorrent.

Mr. PITTMAN. But I have no doubt that the Senator from California would be willing to leave this matter entirely to the President, without any expression whatever from the Senate.

Mr. SHORTRIDGE. Does the Senator want me to answer that?

Mr. PITTMAN. Yes, sir.

Mr. SHORTRIDGE. I would.

Mr. PITTMAN. And he would have been willing to do so for the last two years; and if it had not been for a Democratic United States Senator the appointment of those two attorneys by the President never would have been made.

Mr. SHORTRIDGE. On the contrary, your chief, who has been eulogized here at the expense of equally zealous and loyal Republican Senators—your chief of your committee knew of the illegality of these contracts and leases, if they were so, months ago. Why did he not act?

Mr. PITTMAN. Mr. President, this is the first speech that I have heard the Senator from California make.

Mr. SHORTRIDGE. Well, the Senator will hear another. Mr. PITTMAN. I am very glad to hear from the Senator from California at all times.

Mr. SHORTRIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from California?

Mr. PITTMAN. Oh, yes.

Mr. SHORTRIDGE. It is about time that the Republicans here answered you gentlemen.

Mr. PITTMAN. Mr. President, it is quite refreshing to listen to the distinguished Senator from California at all times, particularly when he is suffering under mental stress.

Mr. SHORTRIDGE. What is the remark?

The PRESIDENT pro tempore. Does the Senator from Nevada further yield to the Senator from California?

Mr. PITTMAN. I do.

Mr. SHORTRIDGE. I ask that the reporter read the Senator's remark.

Mr. PITTMAN. I was just expressing my sympathy for the nervous condition of the Senator.

Mr. SHORTRIDGE. Oh, no; my pulse beats very temperately, and I am not excited or afraid or nervous or scared as a result of anything I have heard, nor am I going to be scared or intimidated by anything I shall hear.

Mr. PITTMAN. Mr. President, as I said before, the attitude of everyone connected with this matter is obvious to the people of the United States at the present time. As the Senator from California says, it is time for Republicans to come to the defense of the administration. It has occurred to the people of the United States during the debate for the last several days that it is a strange thing that more of them did not come to the defense of it during that debate.

Mr. SHORTRIDGE. I will answer that.

Mr. PITTMAN. It is a peculiar and strange thing that with all of the charges made and sustained by argument and evidence and facts on this side, practically the whole burden of defending the administration was left to the Senator from Wisconsin [Mr. LENROOT], the chairman of the committee. When have numerous Senators in this body risen to defend it? During some of those attacks I have seen a larger audience in the halls and the corridors and the cloakrooms on the Republican side than I have seen on this floor.

As I say, however, I did not rise for the purpose of attacking anyone at this time. I rose to discuss this subject because the minority leader, the Senator from Arkansas [Mr. ROBINSON], who introduced the resolution which lies on the table to advise the President of the United States to ask for the resignation of Mr. Denby, is not present in the Chamber at this time; and, while I do not know, I do not think the amendment offered by the Senator from Florida [Mr. TRAMMELL] was offered with the knowledge of the Senator from Arkansas. Be that as it may, however, he had a right to offer it without the Senator's knowledge.

I do not desire at this time, at least, nor do I intend at any time, to enter into an attack upon the administration with regard to this whole transaction. Those who are more familiar than I am with the evidence in this case have already discussed it completely and fully. The sudden enthusiasm of various officials to help in this matter has been explained. The relation of the President of the United States to this transaction is known. I am not charging that it is culpable. I have not even gone so far as to charge that it is negligent. At the time the policy of this Government was established with regard to the naval reserves two members of the Cabinet were sitting in this body as United States Senators.

During the time the Kendrick resolution was being discussed on this floor the present President of the United States was sitting in this Chamber as Vice President of the United States, the presiding officer of this body. He heard the charges made by the Senator from Wyoming [Mr. KENDRICK] and others at that time. He heard the resolution read. He knew the suspicions which then existed with regard to this whole matter. He was afterwards an ex officio member, so to speak, of the Cabinet.

The present President of the United States sent to this body, with approval, the letter of Secretary Fall, the then Secretary of the Interior, and in that letter it is stated that the matters were discussed in the Cabinet. The Secretary of War, former Senator Weeks, was in this body when the policy was discussed. Ex-Senator Fall was in this body when the policy was discussed.

Now, we find that the first action toward reestablishing the policy with regard to naval oil reserves that has been set aside by this administration, was the resolution of the Senator from Wyoming [Mr. KENDRICK]. We find that the second step

In that line was the resolution introduced by the Senator from Wisconsin [Mr. LA FOLLETTE].

Then what took place? It was referred to the Committee on Public Lands and Surveys. What steps were taken? Three Senators started in on the active work in this matter. I did not take an active part in it; therefore I am at liberty to speak with regard to those who the record shows did take part—the Senator from Montana [Mr. WALSH], the Senator from North Dakota [Mr. LADD], and the Senator from New Mexico [Mr. JONES].

Mr. SHORTRIDGE. Mr. President, may I ask the Senator why he did not take part?

Mr. PITTMAN. Because I was at that time representing the United States Senate as a member of the Commission of Gold and Silver Inquiry, and taking evidence at that time, and because I felt perfectly confident that the distinguished Senator from Montana, who assured me at the time I saw him, when I was doing this work in the West, that he was going to give his active attention to it, would call upon me if and when my assistance was necessary. He has had my assistance when he needed it.

Mr. SHORTRIDGE. He was in Japan, was he not?

Mr. PITTMAN. No; not during this work, Senator. If the distinguished Senator had been in Japan we would never have heard anything about this to this day, and the defense of the distinguished California Senator would be entirely unnecessary.

Mr. SHORTRIDGE. I am his friend, and am going to praise him.

Mr. PITTMAN. The record shows the fact that these three Senators were the men who dug up the evidence. I think the record will also disclose that it was by pure accident that the Senator from Montana, the Senator from North Dakota, and the Senator from New Mexico discovered that there had been a lease executed in December, 1922, covering the entire No. 1 oil reserve. Yet that information, I am informed, was in the possession of some other members of the committee at that time.

There is no question that all this intense action upon the part of certain officers at the present time came after the unearthing of this scandal by the Senator from Montana [Mr. WALSH]. Not until the exposure by the senior Senator from Montana [Mr. WALSH] of the falsehood of the ex-Secretary of the Interior and Mr. McLean was there any intense demonstration on the part of these officers who are now doing so much.

Let me say that this joint resolution of the Senator from Montana requires that these attorneys be appointed by and with the consent of the United States Senate. The distinguished Senator from California, who now feels that there should be some defense made of the administration, who shows uneasiness because there has not been sufficient defense on the other side, who is now going to hurl himself into this thing as a champion of the administration, and, by his great oratory, sweep all of these charges away—he, the distinguished Senator, knows some of the facts in this matter and he realizes just as well as does anyone else that the country now knows about it, and there is no use discussing it further.

The President of the United States has attempted to take the initiative in this matter. When did he attempt to take the initiative? He attempted to take the initiative in this matter at a midnight meeting, after all of the evidence in this case was practically in, after the Senator from Montana had stated upon the floor of the Senate, and it was a public record, that he intended to demand that special counsel be appointed and that the Attorney General's office have nothing to do with it.

The whole record up to that time shows that the President of the United States was dealing through the Attorney General's office. When did it occur to him to have special counsel appointed? Not until after the Committee on Public Lands and Surveys had, in executive session, agreed to support the resolution of the Senator from Montana requiring the President of the United States to appoint special counsel, and then, that night at midnight, of his own initiative, voluntarily, with an outburst of energy, he called the chairman of the committee to the White House, and that very night there was handed out an interview that he, of his own initiative, from his own knowledge, of his own desire, was not going to trust the Attorney General, but was going to appoint special counsel.

Who is responsible for that decision on the part of the President? The President knew that this joint resolution of the Senator from Montana would pass. He knew it would become law. He knew that under that joint resolution those names must be submitted to the Senate for advice and consent.

He knew that those men would not be qualified to act in this matter until the Senate had confirmed them. What was the necessity for that hasty selection and hasty appointment? There was only one reason, of course—to sustain the argument that the distinguished orator from California is going to make, that it was the President of the United States who thought all these things out.

Mr. SHORTRIDGE. Does the Senator contend that the President may not designate or retain or employ special counsel? Does the Senator claim that?

Mr. PITTMAN. He could have employed them two years ago.

Mr. SHORTRIDGE. But as a matter of law, without the approval of the Senate? Is that the Senator's contention?

Mr. PITTMAN. Oh, no; I am not contending that. I trust the rest of my remarks have not fallen so doubtfully upon the mind of the Senator as his question indicates that this has. There is no question about that.

Mr. SHORTRIDGE. If the Senator will pardon me, I had in my mind that former President Wilson, in the discharge of his duty, retained, or employed, or selected a very eminent Republican to represent the Government, and I was assuming that President Coolidge had like power, under proper circumstances.

Mr. PITTMAN. Mr. President, he had that power at the time the resolution of the Senator from Wyoming [Mr. KENDRICK] was introduced. He had that power at the time the resolution of the senior Senator from Wisconsin [Mr. LA FOLLETTE] was introduced. He knew what it was all about, because he had sat here and heard the debates with regard to the naval oil reserves. He was a member of the Cabinet, and he knew he had the power to appoint special counsel. Why did he not do it?

When the hearings were going on before the Committee on Public Lands and Surveys, even after the exposure of this outrageous scandal had been made, he did not then utilize his legal power to appoint disinterested special counsel. Oh, no. He sent up an Assistant Attorney General to sit and listen to testimony. He was being advised by the Assistant Attorney General as to the weight of the evidence and the conclusions to be derived.

As I said before, there was nothing in the mind of the President with regard to the prosecution of these suits except through the Attorney General's office until the Senator from Montana introduced his substitute joint resolution in this body. Not until the joint resolution was introduced, which would require the appointment of special counsel, was there any expression of desire upon the part of the President for special counsel, and then it was not until the Committee on Public Lands and Surveys had agreed to support the joint resolution of the Senator from Montana that within 10 hours, yes, within 6 hours after that, the President suddenly, in the dead of night, called the chairman of the committee to the White House and there came out the expression of this splendid desire to employ special counsel.

He also knew at the time he employed this special counsel, because the joint resolution so provided, that such appointments would be null unless confirmed by this body. He had no authority to act under the joint resolution. Not only that, but he was conscious, undoubtedly he was advised, because it was the duty of the leader on the other side to advise him, that if he attempted to ignore and defy the will of this body by undertaking this prosecution by attorneys who did not meet the approval of this body, the Senator from Montana and other Senators on this side would hold up any appropriation for the employment of such special counsel.

What was it all done for? Is it not apparent why it was all done? Does anybody doubt it? What is the use arguing it?

A progressive Republican on the other side, who is as antagonistic to the administration as a great many Democrats on this side and probably more so, was one factor in unearthing this thing, and Democrats on this side were the other factors in unearthing it. When the work of these men had unearthed it, then the President of the United States comes in to lay the foundation of the argument which the distinguished Senator from California is so tardily making now.

I think the distinguished Senator from California has done the administration a great injustice. He rises here and says it is time for Senators on the other side to commence to defend the administration. I agree with him. It has been time for several days, but it has not been done. The distinguished Senator from Wisconsin [Mr. LENROOT] has fought valiantly in this matter. He spoke ably. He has said everything I can con-

ceive that could be said in defense of the administration and any officers connected with it. But how about the rest of the Senators? What is the matter with the rest of them? I agree that it is time they do something.

That is all I have to say about that subject. But the oratory of the distinguished Senator from California led me off my subject temporarily.

Mr. SHORTRIDGE. If the Senator will pardon me, we are waiting until the cave of the winds is exhausted; then we will answer.

Mr. PITTMAN. I understand perfectly. There are two things the administration seems to be waiting for. One is a collapse from exhaustion. It is possible that one of the main witnesses in regard to this prosecution may collapse from exhaustion. He has been approaching the collapse for some time—ever since he has been under subpoena from the Committee on Public Lands and Surveys of the Senate. In fact, apparently there is only one thing on earth that will save the administration, and that is the collapse of everybody who knows the facts about this matter.

Mr. SIMMONS. Mr. President, may I ask the Senator just one question?

Mr. PITTMAN. Certainly.

Mr. SIMMONS. As a matter of fact, what did the President do until the disclosures made by the committee had aroused the public sentiment to a point of indignation which was finding and had found expression in the press of the country from one end of it to the other?

Mr. PITTMAN. I know of nothing that the President has done in the matter except such as has been announced in the papers.

Mr. SIMMONS. Did he do that until after public sentiment had been aroused to the point when it became necessary to do something to save the face of the administration?

Mr. PITTMAN. That is my opinion of it. I do not think there is any doubt at all in the matter. I think everybody knows that the President of the United States did what was perfectly justifiable on the part of any man running for the office of President who represents a great party and who is a skillful politician. He found he was in a hole and tried his best to get out of it, and nobody blames him.

Mr. STANLEY. Mr. President—

Mr. PITTMAN. Will the Senator pardon me until I finish my argument? I am anxious to take my seat.

Mr. STANLEY. Very well; I merely wished to ask the Senator a question.

Mr. PITTMAN. The only reason why I rose, as I tried to say before, was that I am in favor of the principle involved in the amendment of the Senator from Florida, and yet I am utterly against his amendment. Therefore I felt it necessary to make some explanation. I also felt it essential to oppose his amendment in the absence of the senior Senator from Arkansas [Mr. ROBINSON], who has lying on the table a resolution of the same nature as the amendment to the joint resolution. I simply repeat that I intend to vote for the resolution of the Senator from Arkansas requesting that the President of the United States shall ask for the resignation of Mr. Denby, not because there is any evidence of corruption on his part but because he has demonstrated a total incapacity to manage that office. That resolution will be voted on in the next day or two. In the meantime the Senator from Florida offers the same proposition as an amendment to the pending joint resolution or substitute offered by the Senator from Montana [Mr. WALSH].

What is the result? The result has already been indicated. There are Senators in this body who will vote for the substitute of the Senator from Montana who will not vote to advise the President of the United States to ask for the resignation of Secretary Denby. There are those Senators who will not vote for the amendment requesting the resignation of Secretary Denby who will vote against the whole resolution with regard to setting aside the leases if the amendment is a part of the joint resolution. Now, none of us who are sincerely in favor of passing the joint resolution should do anything that may endanger it. We should do nothing that would even give an excuse for somebody to vote against it who, without the excuse, would be forced to vote for it. We have no right to do that. It is poor political strategy. It is the combining of two things that should not be combined. It does not bring strength to the joint resolution but weakens it. If the amendment were offered by some one opposed to the resolution, it would be no more effective in killing or delaying the passage of the resolution than if offered by a friend of the resolution.

What is to be gained? The Senator from Florida undoubtedly believed, when he offered his amendment to the pending resolu-

tion, that he was going to facilitate the passage of his amendment. He undoubtedly believed that all those who were going to vote for the Walsh substitute would vote for it with the Denby amendment attached, but it is evident now that they will not. It is evident now that the Senator from Massachusetts [Mr. LODGE] will not vote for the resolution with the amendment of the Senator from Florida a part of it. It is evident to me that the Senator from Idaho [Mr. BORAH] will not vote for it now with that amendment on it. I believe the joint resolution will be endangered; if not endangered, that its passage would be long delayed by the debate that would necessarily follow if the amendment were attached to it.

Mr. BORAH. Mr. President—

Mr. PITTMAN. I yield to the Senator from Idaho.

Mr. BORAH. It is quite apparent that the debate upon the subject which is really before the Senate is closed—that is to say, it has been presented—and I apprehend that practically everyone who desires to speak on the particular joint resolution advising or instructing the President to employ counsel and proceed to the cancellation of these leases has really done so.

It is a separate and distinct subject from that which is now presented by the amendment. If the Senator who offered the amendment is in favor of the present pending joint resolution, as I have no doubt he is, I am sure that he is retarding very much the accomplishment of that which he undoubtedly desires. The other resolution is undoubtedly going to come before the Senate. Those of us who feel rather earnestly about it are prepared to meet it when it does come, but we would like to get the joint resolution out of the way, in order that the public interests may be served, in so far as it will serve them, by having it a law. Let it become the expression of Congress; let the President avail himself of it if he desires and to what extent he may desire, or to what extent may be necessary, and proceed to recover all the property or protect it. We can discuss these semiquasi-political questions after that is over. There is a very interesting constitutional question involved in the proposition, in my opinion, and that I care a great deal more about than I do about any particular individual.

Mr. PITTMAN. I want to appeal to the Senator from Florida, since we have had a demonstration of opposition to the joint resolution with his amendment on it, since it has been demonstrated that his amendment if attached to it will cause it to lose the votes, and we do not know how many, since it may endanger the very passage of the joint resolution itself, and since it is obvious that whether it does endanger the passage of the joint resolution or not it will at least involve a long debate, since these facts have all been demonstrated and the effort of the Senator to facilitate the passage of his amendment is not accomplished by offering his amendment, then I beg of him to withdraw it at least for the time being to see how things go, to wait and see what happens to the joint resolution of the Senator from Arkansas. That is the resolution in which we are all interested and which we all favor.

Mr. TRAMMELL. Mr. President, I have felt that legislation on the Teapot Dome scandal and the bartering away of this great naval oil reserve of the American people should deal with it in entirety, and that we should mete out such punishment to all those who were involved in it either by sins of commission or sins of omission, and that there should not be any delay in carrying out that policy. I have been convinced on the question that Secretary Denby at least was guilty of gross sins of omission or gross neglect of the protection of the property of the American people; that he defiantly went in the face of the conservation policy of Congress with reference to the oil reserves of the country. One of his very first acts was to initiate the transfer of the oil reserves from the Navy Department to the Interior Department.

The Secretary can not escape his responsibility for at least going contrary to an established policy of Congress. He can not escape his responsibility for, we will say, a neglect of duty at least in permitting and authorizing the bartering away of this great domain of the American people under circumstances of corruption and fraud. I do not say that he was guilty of either fraud or corruption, but outside of the question of fraud or corruption the Secretary, representing the people of the country, should have zealously guarded that great treasure of the Government instead of, according to his own statement, seeking to transfer it to some other department and then, I say, apparently kissing it good-by. Mr. Denby's attitude was equivalent to him saying, "Do what you will with it, Mr. Secretary of the Interior. That is all right. This property does not amount to much. Forsooth, perhaps some oil magnate will get hold of it and his profits will be a hundred million dollars a year here and another hundred million dollars a year

there," but what matters that so far as the Secretary of the Navy is concerned?

I think the whole transaction should be dealt with at the same time, and that time is now, without delay. I thought from the beginning that we should not only take steps looking to the prosecution of those who were tainted with criminality and looking to the canceling of the leases and recovering what could be recovered of the property, but that we also should vigorously go after the Secretary of the Navy for his sins of omission at least. I had in mind the introduction of my amendment on yesterday. But in the interest of expediting a vote upon the joint resolution without such an amendment being introduced I withheld the amendment and did not propose it, thus showing my anxiety and my desire to expedite the early passage of the joint resolution, even with this question being deferred. But about 6 o'clock last night, or shortly after 6 o'clock, Senators got together—my friends who are zealous to push the matter and others—and decided they would recess and carry the matter over until to-day. I thought of introducing the amendment day before yesterday and I was interceded with in the interest of getting a vote that afternoon or night and begged to not introduce the amendment. So for two days I have stood by and not introduced an amendment which I thought should be embraced in the pending joint resolution. By so doing I hoped to dispatch the early passage of the joint resolution. But the debate rocked along and rocked along and I do not know now whether we are to get a vote even to-day or not. My opinion is that we should proceed with the resolution providing for the cancellation of the leases and that we should get a vote upon that question within a few hours.

Mr. BORAH. I think there is every probability that we will get a vote very shortly. Of course, the Senator knows now that we can not get a vote if his amendment is urged. It seems in all probability that the joint resolution can be dispatched very quickly. Then we can take up the Senator's proposition.

Mr. TRAMMELL. I was just going to lead up to that very proposition. I have withheld my amendment for two days because I was earnestly desirous of the Senate taking action promptly on the resolution, and I am now earnestly desirous that the resolution shall be passed.

Of course, I should also like to have the question in reference to the Secretary of the Navy settled; but I would not urge my amendment at this time if such action would delay the passage of the resolution without the amendment for one day. That shows my interest in the passage of the main resolution. My idea is that, realizing how a good many of my friends on both sides of the Chamber feel on the question, those who are in favor of the entire program of instituting proceedings for the punishment of those who are criminally guilty, for the purpose of recovering the property and for the purpose of driving from public office those who have been guilty at least of sins of omission; appreciating that others who entertain views upon those questions similar to mine think that it is advisable and that it will be in the interest of getting more expeditious action upon the entire proposition to defer action on the amendment, I am convinced, as one of those who are favorable to going to the bottom of this whole proposition, that it would probably be better for me to withdraw the amendment for the present. If I withdraw the amendment for the present, however, I shall do so with the understanding and the assurance from those who have insisted that this course be pursued that we shall get early action upon the resolution of the Senator from Arkansas [Mr. ROBINSON] requesting that the President ask for the resignation of the Secretary of the Navy.

I entertain only friendly personal feelings toward the Secretary of the Navy, but his conduct in connection with this entire procedure and his gross neglect of the public interest convince me that he should no longer occupy his important position. I know that often in my State county officials have been suspended for lesser offenses, of sins of omission, at least, than Mr. Denby has been guilty of in connection with this transaction.

I am not going to shed any crocodile tears over the pathetic appeal made by the Senator from Massachusetts [Mr. LODGE] in behalf of the Secretary of the Navy to the effect that we are going to lynch him or resort to lynch law, as the Senator from Massachusetts suggested.

Mr. President, we know a good deal about the conduct of the Secretary of the Navy in connection with this transaction. I do not think anybody has charged him with any criminal offense. I know I have not, and I know of nothing to indicate anything of the kind; but I am firmly convinced from the testimony which was adduced at the hearings, and from the statement of

the Secretary of the Navy himself, that he evidenced very little regard for the interest of the American people in regard to this very valuable and rich treasure which was being reserved for the use of the Nation in the hour of stress and danger and which had been conserved through three successive administrations prior to this time, for within a very short time after he got into office he went to work to have jurisdiction of the naval oil reserves transferred over to the Secretary of the Interior for him to handle and dispose of them as he wished; and he displayed, in my opinion, absolutely no concern toward protecting the interests of the American people.

If a United States Senator or a Representative believes that is true, in my opinion, instead of persecuting a man, instead of trying him without trial, not giving him an opportunity of hearing, and lynching him, such Senator or Representative would be cowardly not to say that an officer who has so conducted himself shall be requested to resign from his trust. It is not a question of trying a man without hearing, but it is a question of expressing one's opinion upon a man's conduct in high public office. So far as I am concerned, I am willing to express my views; I am willing to record my vote on the question; and, basing my action upon the conduct of the Secretary of the Navy, which shows, at least, that he has neglected the public weal and the public welfare, I am willing to say to the President it is my belief and my opinion that he should request the Secretary of the Navy to resign his office, and that the American people should no longer be subjected at least to his sins of omission, to put it most charitably; his neglect of their welfare in dealing with great and momentous public problems.

For that reason I had hoped we might have the whole subject disposed of at once; that we might make a clean sweep of the slate, and say that we think these acts are unlawful; that they are illegal; that private interests have obtained this property by fraud and corruption, and we also feel that the Secretary of the Navy has at least been neglectful of his public trust and should be requested to resign.

But appreciating the attitude of my friends on both sides of the Chamber who entertain views similar to mine as to what should be the final action of the Senate on both propositions, I am going to hold the question in abeyance and not push my amendment at this time, in the hope that we will get a vote this afternoon on the resolution without the amendment being considered. I do this with that object in view, and in the hope that it may be done. I withdraw the amendment for the present.

The PRESIDENT pro tempore. The Senator from Florida withdraws his proposed amendment to the amendment. The question is upon agreeing to the amendment proposed by the Senator from Montana in the nature of a substitute.

Mr. ROBINSON. Mr. President, I desire to submit a request for unanimous consent, and I will make the request now unless some Senator thinks the absence of a quorum should be suggested. I ask unanimous consent that the Senate shall now proceed to vote upon the pending joint resolution and all amendments pending or that may be offered thereto, without further debate, and that immediately following the vote upon the joint resolution the Senate shall proceed to the consideration of Senate Resolution 134 relating to the Secretary of the Navy.

Mr. HARRIS. Mr. President, if the Senator will yield to me just for a moment, I should like to say a word.

Mr. ROBINSON. I yield to the Senator from Georgia.

The PRESIDENT pro tempore. The Chair will state the question. The Senator from Arkansas asks unanimous consent that the Senate shall now proceed to vote, without further debate through the ordinary parliamentary stages to final disposition, on Senate Joint Resolution 54. The Senator from Georgia is recognized.

Mr. HARRIS. Mr. President, I shall take only a few moments of the time of the Senate. I have not until now engaged in the debate, but I wish to call attention to a matter which, so far as I am aware, has not been brought to the notice of the Senate during the discussion of the loss of our naval oil reserves and its effect on our national defense.

As we know, within two months after the present administration came into power they were arranging to get rid of the naval oil reserves. During the war we discovered that the weak spot in our national defense was that we had no nitrates in this country with which to manufacture munitions. Every other nation in the world of any importance had nitrate plants, but the United States had none. The very first thing Germany did when we declared war on her was to notify Chile, from which we obtained our nitrates, that if they let us have nitrates, Germany would hold Chile responsible. Of course, Chile did not fail to supply us, for she was not afraid of Germany; but

it showed the weak spot in our national defense, and every nation in the world is aware of it.

President Wilson and his Secretary of War, just as Secretary of the Navy Daniels did in holding our oil reserves, tried to strengthen our national defense by providing a plan for the manufacture of nitrates during war and fertilizers in time of peace. They developed the Muscle Shoals plant, which is located at a point which every Army officer on the board recommended as being the best place in the United States. It is located away from the seacoast, which might be exposed to attack by an enemy navy.

Mr. President, I am not fearful we are going to war with Japan or any other nation; our relations with Japan are most cordial, and after my visit to Japan I am convinced that our friendship of the past will continue; but if we were to become involved in war with Japan or any other country, the first thing they would do before declaring war on us would be to have their gunboats dispatched to the coast of Chile in order to stop the supply of nitrates reaching our shores, unless we become independent of any other country and manufacture our nitrates. I believe now the administration is going to develop the Muscle Shoals nitrate plant; and I am glad that is so; but I merely wanted to call attention to the fact that, except for the activities of some progressive Republican Senators with the aid of Democratic Senators just after this administration came into power, the Muscle Shoals nitrate plant would have been scrapped and our national defense greatly weakened—there can be no doubt as to that—and the Fertilizer Trust, which made the fight on it, would have reaped the benefit. President Wilson planned that in peace times the Muscle Shoals plant should manufacture nitrates for fertilizers and sell to the farmers at cost, which would have interfered with the profits of the Fertilizer Trust. It is well known that the lobby of the Fertilizer Trust has been openly and actively opposing any measure that would develop Muscle Shoals and give the farmers cheaper fertilizers. I have several times in the past called this matter to the attention of the Senate and placed in the Record letters and propaganda of the Fertilizer Trust opposing the development of this plant.

Mr. BRANDEGEE. Mr. President, I wish to make a suggestion to the Senator from Arkansas. I ask him if he does not think his request comes within the rule to which I wish to call his attention? While his request for unanimous consent is not to fix a day in the future for a vote, it seems to me it comes within the spirit of the rule which provides that a quorum shall be called before such an agreement shall be entered into. I will hand the Senator the paragraph of the rule, as I have it right at hand.

Mr. ROBINSON. Mr. President, I have no objection to the suggestion of the absence of a quorum, if the Senator from Connecticut thinks the rule requires it. There is some doubt in my mind as to whether the rule does require it, but I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Adams	Ernst	Keyes	Reed, Mo.
Ashurst	Fernald	King	Robinson
Ball	Ferris	Ladd	Sheppard
Bayard	Fess	La Follette	Shields
Borah	Fletcher	Lenroot	Shipstead
Brandegee	Frazier	Lodge	Shortridge
Brookhart	George	McKellar	Simmons
Broussard	Gerry	McKinley	Smith
Bruce	Glass	McNary	Smoot
Bursum	Gooding	Mayfield	Spencer
Cameron	Greene	Moses	Stanfield
Capper	Hale	Neely	Stanley
Caraway	Harrell	Norbeck	Sterling
Copeland	Harris	Norris	Swanson
Couzens	Harrison	Oddie	Trammell
Cummins	Hefflin	Overman	Underwood
Curtis	Howell	Owen	Wadsworth
Dale	Johnson, Calif.	Pepper	Walsh, Mass.
Dial	Johnson, Minn.	Phipps	Walsh, Mont.
Dill	Jones, N. Mex.	Pittman	Warren
Edge	Jones, Wash.	Ralston	Wheeler
Edwards	Kendrick	Ransdell	

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, there is a quorum present.

Mr. ROBINSON. Mr. President, I will restate the request for unanimous consent.

I ask unanimous consent that the Senate proceed without further debate to vote upon the pending joint resolution and all pending amendments to a final decision, and that immediately following, the Senate proceed to the consideration of Senate Resolution 134, relating to the Secretary of the Navy.

Mr. LODGE. Mr. President, I have no thought of objecting. I hope the consent will be given; but—

The PRESIDENT pro tempore. The Chair will state the unanimous-consent agreement asked for as he understands it.

The Senator from Arkansas asks unanimous consent that the Senate now proceed to vote upon the pending amendment and all amendments that may be offered to Senate Joint Resolution No. 54, through the regular parliamentary stages to its final disposition, and that the unanimous-consent agreement now in force with respect to entering into executive session be set aside, and that immediately following the disposition of the pending joint resolution the Senate proceed to the consideration of Senate Resolution No. 134. Is there objection?

Mr. ROBINSON. Mr. President, the statement by the Chair of the request is not quite accurate as I last submitted it. It is that the Senate proceed without further delay to vote upon the pending joint resolution and all pending amendments to a final conclusion. I did not incorporate in my last statement all amendments that may be offered, for the reason that an amendment might be offered which would—

The PRESIDENT pro tempore. The Senator intends to prevent further amendment?

Mr. ROBINSON. I intend now to submit a request that will prevent the offering of amendments that have not already been submitted, and to vote without further debate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas?

Mr. LODGE. Mr. President, I thought I had the floor—I may have been mistaken—because after the Senator made his statement I took the floor to say that I am thoroughly in favor of the proposition, and I hope unanimous consent will be given; but unanimous consent was given a week ago for the consideration in executive session of the promotion of Lieutenant Colonel Major to be colonel. The Senator from New York [Mr. WADSWORTH] and my colleague from Massachusetts [Mr. WALSH] were interested in this case and asked the Senate for unanimous consent to consider it on that day, and received it. That agreement was then set aside on the general understanding that on the conclusion of the debate on this joint resolution we should go into executive session and dispose of that appointment. We are all very anxious to go on as the Senator from Arkansas proposes; but I ask unanimous consent that immediately after the conclusion of the morning business on Tuesday next we may go into executive session for the purpose of taking up the Major case and disposing of it.

Mr. ROBINSON. I hope that request will be granted.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement as propounded by the Senator from Arkansas and modified by the Senator from Massachusetts?

Mr. SHORTRIDGE. Mr. President, detaining the Senate for a moment only, and reserving the right to object, I wish to point out that the passage of this joint resolution in its present form is quite unnecessary. If I wanted to use a long word, I might add that it is a work of supererogation.

Before yielding consent to dispense with further debate and proceed to a vote, I wish to put once more in the Record the statement of the President of the United States, so that it may be read by all men and all good women in America who have the good fortune to receive copies of the CONGRESSIONAL RECORD. There should be more readers of the RECORD, if for no other reason than to treasure up the wisdom which comes from so many quarters.

Mr. President, this joint resolution in its effect undertakes to direct or request the President of the United States to do what he has already done; but this is a very deliberative body, and there may be no impropriety even at this late date in making this request and venturing to direct the President to do a thing already done, although in fairness I should say that there may be some authority here granted which he does not possess. Manifestly, a fund should be provided to defray the expenses incident to the carrying on of this contemplated litigation. So, not to delay matters unduly—though I have sat here with a certain degree of patience and listened for several days to arguments in favor of the passage of this joint resolution—not to delay matters unduly, to the irritation of Senators who are anxious now to proceed to a vote, without reading I ask that the statement issued by the President of the United States days ago be inserted at this point in the proceedings of the day. I ask that it be incorporated in the RECORD without reading, though I commend it to the very careful re-reading of my distinguished scholastic friends upon the other side. [Laughter.]

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

STATEMENT OF PRESIDENT.

[From the New York Herald of Sunday, January 27, 1924.]

It is not for the President to determine criminal guilt or render judgment in civil causes. That is the function of the courts. It is not for him to prejudge. I shall do neither; but when facts are revealed to me that require action for the purpose of insuring the enforcement of either civil or criminal liability, such action will be taken. That is the province of the Executive.

Acting under my direction the Department of Justice has been observing the course of the evidence which has been revealed at the hearings conducted by the senatorial committee investigating certain oil leases made on naval reserves, which I believe warrants action for the purpose of enforcing the law and protecting the rights of the public. This is confirmed by reports made to me from the committee. If there has been any crime, it must be prosecuted. If there has been any property of the United States illegally transferred or leased, it must be recovered.

I feel the public is entitled to know that in the conduct of such actions no one is shielded for any party, political, or other reasons. As I understand, men are involved who belong to both political parties, and having been advised by the Department of Justice that it is in accord with former precedents, I propose to employ special counsel of high rank, drawn from both political parties, to bring such actions for the enforcement of the law. Counsel will be instructed to prosecute these cases in the courts, so that if there is any guilt it will be punished; if there is any civil liability, it will be enforced; if there is any fraud, it will be revealed; and if there are any contracts which are illegal, they will be canceled. Every law will be enforced and every right of the people and the Government will be protected.

Mr. SHORTRIDGE. Noting your smile, I invite your attention to one or two of these direct and almost classic sentences. Every word of this statement is worthy of perusal again. The last paragraph I will venture to trouble you with reading:

I feel the public is entitled to know that in the conduct of such actions no one is shielded for any party, political, or other reasons—

It would seem to me that that is a sound proposition.

As I understand, men are involved who belong to both political parties, and having been advised by the Department of Justice that it is in accord with former precedents, I propose to employ special counsel of high rank, drawn from both political parties, to bring such actions for the enforcement of the law. Counsel will be instructed to prosecute these cases in the courts, so that if there is any guilt it will be punished; if there is any civil liability, it will be enforced; if there is any fraud, it will be revealed; and, if there are any contracts which are illegal, they will be canceled. Every law will be enforced and every right of the people and the Government will be protected.

Upon the assurance of the Senator from Arkansas that it is his intention, upon the disposition of this joint resolution, to ask—and I hope his request will be granted—that the Senate take up for consideration the resolution introduced by him, I have no objection to the suggested unanimous-consent agreement; but I wish to be sure of that, because, along with others, I desire to discuss that matter.

Mr. ROBINSON. I will state to the Senator from California that that is the request, that immediately upon the disposition of this joint resolution we shall proceed to the consideration of Senate Resolution 134.

The PRESIDENT pro tempore. Is there objection?

Mr. LA FOLLETTE. I do not rise to object, Mr. President. I wish to submit some brief remarks upon the case presented under the resolution of investigation, but I think I can make those remarks quite as well under the resolution which is to follow immediately the one pending. I understand that there is to be no interval of time; that consent has been given to vacate or postpone to another day the unanimous-consent agreement with regard to the promotion of some officer of the Army. If that be so, I have no objection to make.

Mr. HOWELL. Mr. President, I wish to offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The question before the Senate is whether the Senate will enter into the unanimous-consent agreement, and therefore an amendment is not in order.

Mr. REED of Missouri. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska object to the unanimous-consent agreement?

Mr. REED of Missouri. Mr. President—

Mr. HOWELL. I yield to the Senator from Missouri.

Mr. REED of Missouri. I rise merely to a matter of inquiry. I want this unanimous-consent request granted, but I thought we were probably at the end of amendments.

Mr. CURTIS. Mr. President—

Mr. REED of Missouri. We may get into a situation here where some one might offer an amendment, and no right to a word of explanation would be given.

Mr. ROBINSON. Mr. President, I stated distinctly to the Senate that the request for unanimous consent was intended to preclude the offering of additional amendments.

Mr. REED of Missouri. Very well. That is the point exactly.

Mr. ROBINSON. It is contemplated that we shall vote on all pending amendments, but I realize that a unanimous-consent agreement to close debate would not be secured if additional amendments were to be submitted.

Mr. REED of Missouri. Of course, when the resolution of the Senator from Arkansas comes before the Senate it will be subject to amendment?

Mr. ROBINSON. Certainly.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request proposed by the Senator from Arkansas, as qualified by the Senator from Massachusetts?

Mr. HOWELL. Mr. President, I have offered an amendment.

The PRESIDENT pro tempore. The question is, Does the Senator from Nebraska object to the agreement?

Mr. HOWELL. I do not, except—

The PRESIDENT pro tempore. The Chair hears no objection, and the unanimous-consent agreement is entered into.

Mr. HOWELL. Mr. President—

The PRESIDENT pro tempore. The Chair is compelled to advise the Senator from Nebraska—

Mr. HOWELL. I first offered the amendment. I did not object to the agreement, to follow the reading of this amendment and its consideration. That is my understanding.

The PRESIDENT pro tempore. The Chair suggests to the Senator from Nebraska that Senate Joint Resolution No. 54 is now before the Senate, and under the agreement just entered into no further amendment can be offered to it.

Mr. ASHURST. Mr. President, I think the Senator from Arkansas acted well and wisely; but I believe in fair play. I think the Chair was under a misapprehension. I have no interest in the amendment which the Senator from Nebraska has attempted to propose, but it was obvious to all fair and discerning men that he intended and attempted to offer an amendment before the unanimous-consent agreement was agreed to. Therefore this body ought to reconsider its action long enough to permit him to offer that amendment if he desires to do so, because he was on the floor, and held the floor, and claimed recognition, and undoubtedly had that intention. As one who believes in fair play, although I earnestly hope the proposed agreement will be entered into, I ask that we let him offer his amendment.

The PRESIDENT pro tempore. The Chair asked the Senator from Nebraska whether he desired to object to the unanimous-consent agreement—

Mr. ASHURST. I have said what I wished to say. The Senator from Nebraska is able to take care of himself.

The PRESIDENT pro tempore. And the Senator from Nebraska answered that he did not desire to object.

Mr. HOWELL. Mr. President, I misunderstood the Chair's question and its application. I had offered my amendment before the Chair asked that question; and, as I understood it, the question was whether I objected if this agreement went into effect following the offering of my amendment and its discussion.

Mr. FLETCHER. May I suggest to the Senate what would probably be a way out of the difficulty? When one of the amendments already pending is offered the Senator could move to amend the amendment in the way he desires.

Mr. HOWELL. I shall not be able to pursue that course in view of the character of this amendment. I ask unanimous consent for the consideration of the amendment.

Mr. ROBINSON. Let the amendment be read, and let us see what it is.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The READING CLERK. In the substitute for Senate Joint Resolution 54, to strike out lines numbered 1 to 10, inclusive, on page 2, and lines 1 to 7, inclusive, on page 3, and insert in lieu thereof the following:

Resolved, etc., That the said leases and contract are against the public interest, and the same were and are hereby declared null and void from the beginning.

Resolved further, That the President of the United States be, and he hereby is, authorized and directed immediately to seize and take possession of the lands included in said leases and to cause suit or suits to be instituted and prosecuted for the annulment and cancellation of said contract, and all contracts incidental or supplemental thereto, and to recover the value of the oil thus far extracted under the provisions of said leases, and to prosecute such other actions or proceedings, civil or criminal, as may be warranted by the facts in relation to the making of the said leases and contract.

Mr. HOWELL. Mr. President—

The PRESIDENT pro tempore. The Chair can only reiterate his former statement.

Mr. ROBINSON. Mr. President, if I may be indulged for just a moment, the amendment now presented, as I understand it, is substantially identical with the original joint resolution presented by my colleague, the junior Senator from Arkansas [Mr. CARAWAY]. We have been proceeding upon consideration of the substitute resolution proposed by the Senator from Montana, and I had not anticipated that at this juncture of the debate this question would be again raised.

On this side of the Chamber we had agreed to accept the Walsh substitute for the Caraway resolution. There were a number of Senators on this side who expressed the feeling that the original resolution was a proper expression upon the part of the Senate, but upon informal consideration of the matter an understanding was reached, as set forth by statements made in the Senate by a number of Senators on this side, including the author of the original resolution, that the Walsh substitute was acceptable.

I do not want to preclude the Senate from an expression upon this amendment if it desires to give such expression. The object of the unanimous-consent request was to terminate debate and get a vote and to make certain that the Senate should proceed promptly to the consideration of a related resolution, which I will call the Denby resolution.

If there is no objection, I shall ask unanimous consent that the amendment offered by the Senator from Nebraska be considered as in order, and that a vote be taken on that amendment without any debate.

Mr. LENROOT. Will the Senator yield?

Mr. ROBINSON. I yield to the Senator.

Mr. LENROOT. I am very sure the Senator from Nebraska misunderstood the situation.

Mr. ROBINSON. I am sure he did.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the amendment to the amendment will be voted upon. The question now is upon the amendment to the amendment.

Mr. HOWELL. Mr. President—

Mr. LA FOLLETTE. May I ask the Senator from Arkansas to so modify his request as to permit the Senator from Nebraska to offer some observations regarding that amendment?

Mr. ROBINSON. My only reason for not doing that is that other Senators might feel constrained to state their views upon the subject and reopen the entire debate.

Mr. LA FOLLETTE. I feel very certain that the proposition has been so debated that it will not prolong debate. The Senator from Nebraska has had no opportunity, or at least—

Mr. ROBINSON. He has had opportunity.

Mr. LA FOLLETTE. He has not taken the opportunity to speak upon that question, and I think it would be a fair thing to permit him to do so.

Mr. ROBINSON. Then I ask that the Senator from Nebraska be allowed five minutes and the Senator from Montana five minutes, if they desire to use that time, and that the amendment to the amendment be considered as pending.

The PRESIDENT pro tempore. The Senator modifies his request for unanimous consent so that the Senator from Nebraska shall be permitted five minutes for discussion and the Senator from Montana five minutes for discussion upon the amendment offered by the Senator from Nebraska to the amendment offered by the Senator from Montana. Is there objection?

Mr. HOWELL. Mr. President—

The PRESIDENT pro tempore. The Senator from Nebraska. Mr. HOWELL. I am perfectly willing that my time should be limited, but I would not like to have it limited to five minutes.

The PRESIDENT pro tempore. Objection is made.

Mr. HOWELL. This is an amendment of importance, and I think it is worthy of some consideration, and I would like to make a statement as to the reasons why I have offered it.

Mr. ROBINSON. Mr. President, my only object in suggesting the limitation was to carry the purpose of the unanimous-consent agreement which is already in force. So far as I am

concerned, I have no objection to reopening the debate, if the Senate wants to do it. I thought the Senate had reached the time when it was ready to vote. I thought the consensus of the Senate was that a vote should be taken upon this resolution. The request was stated clearly and agreed to; but if the Senator wants additional time, I shall make no objection upon my part.

Mr. HOWELL. I suggest to the Senator that 10 minutes be allowed.

Mr. ROBINSON. Then I ask that the Senator from Nebraska and the Senator from Montana each be allowed 10 minutes.

The PRESIDENT pro tempore. Is there objection to the agreement as now proposed that 10 minutes shall be given?

Mr. FERNALD. Mr. President, let us have order during that 20 minutes so that we may hear.

The PRESIDENT pro tempore. The Chair repeats, is there objection to the 10 minutes limitation? The Chair hears none and recognizes the Senator from Nebraska.

Mr. HOWELL. Mr. President, I am in favor of the purpose of this joint resolution, but I do not think it goes far enough to protect the interests of the United States Government.

The Senate has seen fit to approve the following preamble of this resolution:

Whereas the said leases and contracts were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress.

I was impressed with the arguments made here that such was the fact, and the Senate decided that such was the fact. Therefore, having so decided, the logical course to pursue is to assume that the leases were void from the beginning and there never was a lease. If void from the beginning, those who are upon the lands at the present time are merely trespassers. Such being the case, and as it is not usual for the United States Government to go to the courts to get a "sooner" off the public land, why should we do so in this case? If we go into court, we will be in the courts for years.

True, it will be insisted that one of the purposes is to bring an injunction proceeding to prevent further depletion of the land, but we have been told that in the midst of the No. 1 oil reserve section 36 is being pumped by the Standard Oil Co. at the present time. The longer the lease litigation can be maintained in the courts the longer will those who are adjacent to these properties have the opportunity of draining the oil that belongs to the United States Government. Therefore if we want to do something that will be effective and immediately effective, if we want to put teeth into this measure, we should provide that the President shall proceed just as the United States Government would proceed in connection with "sooners" upon public lands.

Having declared these leases null and void, which the Senate has done by its action, the next thing to do is to seize the property immediately, stop further depletion of the properties by those who are now claiming under the leases, and, furthermore, take steps to go on with the pumping of the oil lands in order to prevent those adjacent thereto from securing the oil.

In a single instance, connected with public affairs, I have been in the courts for nine years and I know what it means. Here is an opportunity to do something that will be effective. What the people of the country want is not refined equity in this matter. They want raw equity, and I urge that we take the necessary steps at this time, irrespective of constitutional refinements and objections. Let us do in this case, with oil lands involved worth hundreds of millions of dollars, as the Government has done time and time again in connection with "sooners" who have gone upon the public lands and assumed to reside there.

I urge the adoption of this amendment, and I hope that it will not be defeated, because I know it would put teeth in the measure which is now before the Senate.

Mr. WALSH of Montana. Mr. President, the proposed substitute presents again a question which was considered at some length at an early stage in the debate, namely, as to whether the Congress of the United States could declare these leases to be void and canceled or whether they should ask the court to make a decree to that effect.

The amendment offered by the Senator from Nebraska goes further than that. It directs that possession of the property be taken and that those in possession be dispossessed of them. Touching the first part of the resolution, I desire to say that the procedure suggested is indeed pursued in some countries, notably some of the republics of America outside of the United

States. A concession or grant is made by a government, either by the officers authorized by statute or the direct act or the legislature of the country. Some one comes along and gets a concession from the legislature. Then the legislature that comes into power the next time, or the executive, or whoever exercises the authority, cancels those concessions and gives them to some one else.

Now, the wise founders of our Government considered that that was contrary to the essentials of liberty, and away back in Magna Charta the principle was laid down that every man was entitled to a day in court to determine whether or not he has a right or he has not a right. We are satisfied that these leases were executed without authority and that they were executed corruptly. But to-morrow we may be confronted with a grant, the want of authority to execute which is not so plain, the evidence of corruption in connection with which is not so plain, and we will then be called upon to vacate that grant, and so on down through all the possible gradations. Now, it is a matter of doubt as to whether we have any right in the premises or not. Those are questions for the court to determine. We may urge the court to do it. We may declare our convictions that they were executed without authority, but that is as far as we can go under the American system of justice and liberty.

The principle is expressed in our Constitution in an amendment that no person shall be deprived of any property without due process of law. Now, he claims to own this property and we can not dispossess him of that property; we can not lawfully do it without the due process of law. The case of the "sooner" and the case of the janitor coming and taking possession of this body is a different thing. Some idiot or some child may take your horse away from you. You go and use the necessary force in that case to get back your horse. But if some one claiming he bought that horse from an agent of yours who was authorized to sell it has possession of the horse the best thing for you to do is to go into court to determine the question of the validity of the grant that he claims.

The resolution then directs that possession be taken of this property. Possession how? Who shall take possession? Who shall act for the United States in taking possession? The United States marshal? The United States marshal is powerless. He is a trespasser in taking possession unless he is armed with a writ from some court. Will you use the Army and Navy of the United States to take possession of this property? Why, Mr. President, that is one of the things that we complain of in these proceedings against the late Secretary Fall. As we were told yesterday by the Senator from New York [Mr. COPELAND] he sent from the city of Washington out to the State of Wyoming a squad of marines—and that is also one of the sins of the Secretary of the Navy—to put a company off of naval reserve No. 3 that was actually engaged there in drilling a well under a claim of right. All he had to do was to go into the United States District Court for the State of Wyoming and secure promptly and without hesitation at all an injunction restraining those people from conducting any further operations until the court should have determined the matter.

The Senator from Nebraska, whom I am advised is not a lawyer and familiar with these matters, is quite too apprehensive about delay in the matter. The very first step in the proceedings which are authorized by the resolution would be to file a bill of complaint and thereupon to go to the judge and ask an injunction restraining the extraction of any oil from any of the lands until the question was determined. The procedure is thoroughly well known to those of us who are familiar with mining litigation in the West. A man is in possession of mining property. He is taking out the ore or other mineral.

I file a complaint against him, and I go into court and ask that he be enjoined from extracting the ore or extracting the oil pending the proceedings and until the court shall determine whether or not he is entitled to the property or I. That is done at the outset, and it goes almost as a matter of course in a private case that the complainant must give a bond to protect the defendant against any loss or damage he may suffer. But in the case of the United States they do not even have to give a bond. None is required whatever. So the very first step would be to shut down the wells or put in control a receiver who shall hold the proceeds of them until the matter is determined.

So I say the Senator from Nebraska is unduly apprehensive about the matter and I am certain that the amendment ought not to be adopted. The Senate of the United States ought not to go upon record as establishing even a precedent for the cancellation of a grant purporting to have been executed by an officer of the United States under a pretended right or under

color of authority. That would stigmatize the Government of this country in a way, so far as title to property is concerned, more threatening in its character than any of us can conceive. It would upset the stability of titles to property in the country if the Congress of the United States should undertake to do anything of the kind. I trust the amendment will not be agreed to.

Mr. DIAL. Mr. President—

The PRESIDING OFFICER (Mr. Moses in the chair). Does the Senator from Montana yield to the Senator from South Carolina?

Mr. WALSH of Montana. I yield.

Mr. DIAL. I call the attention of the Senator to the fact that only last week the Senate passed a bill to compensate the owner of land who had been dispossessed by the Army. The Army wanted to use the land for camp purposes, and the Senate passed a bill compensating the owner of that property.

Mr. WALSH of Montana. That is true.

Mr. HOWELL. Mr. President, it will be readily understood, if one will consider that the proceeding to enjoin could be brought promptly and steps taken as suggested, but the proceedings to determine the validity of the leases may take years. They will begin in the district court and go to the court of appeals and then go to the United States Supreme Court, and then may go back again to the district court. In this case suppose the wells were shut down; then during all that period of time there would be an opportunity to drain the oil from those properties. We are assured, and it has been stated in connection with the Teapot Dome, that drainage is taking place.

Mr. WALSH of Montana. No; the Senator is in error there. If such a situation as that exists and it is necessary to continue operation of wells to prevent drainage, a receiver would be appointed to take the proceeds on both sides and await the determination of the matter by the court.

Mr. HOWELL. I have no purpose of depriving anyone of the right to go into court. My idea was simply to let them be the plaintiff and the United States be the defendant. Under the plan proposed by the Senator from Montana the United States would be the complainant.

Mr. WALSH of Montana. Will the Senator pardon a further interruption?

Mr. HOWELL. Certainly.

Mr. WALSH of Montana. That statement was made the other day, but it does not change the order at all. Suppose we pass the joint resolution with the Senator's amendment just as he wants it. Those people are in possession of the land. We would have to go into court to stop them from drilling in order to get them off the premises. It would not change the order a bit.

The PRESIDING OFFICER. The Senator from Nebraska has one minute more remaining.

Mr. HOWELL. But what this amendment will really do will be to put teeth in this measure. I have the greatest confidence in the efforts which the Senator from Montana [Mr. WALSH] is making to secure restitution for the people of this country, and I am very sorry to be in opposition to him in connection with this matter. I merely want to go a little further than the pending joint resolution goes, and I think, as I previously stated, what we need in a situation of this kind is a little raw equity.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. CARAWAY. Mr. President, I was not present when the unanimous-consent agreement was entered into and—

The PRESIDING OFFICER. The Chair can not now recognize the Senator from Arkansas, under the unanimous-consent agreement, unless further unanimous consent is granted.

Mr. CARAWAY. I am merely intending to make a parliamentary inquiry. I repeat I was not present when the unanimous consent was granted, and I desire to ask if all the time allotted has been consumed?

The PRESIDING OFFICER. The Senator from Montana [Mr. WALSH] has three minutes more, if he wishes to claim the floor.

Mr. WALSH of Montana. Mr. President, I have nothing further to submit.

The PRESIDING OFFICER. Under the supplementary unanimous-consent agreement just entered into, the question is upon agreeing to the amendment offered by the Senator from Nebraska [Mr. HOWELL] to the amendment proposed as a substitute for the joint resolution.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. Under the original unanimous-consent agreement, the question now is upon agreeing to the

amendment offered by the Senator from Montana [Mr. WALSH] in the nature of a substitute for the joint resolution introduced by the Senator from Arkansas [Mr. CARAWAY].

Mr. HARRISON and Mr. LODGE demanded the yeas and nays, and they were ordered.

The reading clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. REED]. In his absence, I will withhold my vote. If I were permitted to vote, I should vote "yea."

Mr. BRUCE (when his name was called). I am paired with my colleague, the senior Senator from Maryland [Mr. WELLER], but I am authoritatively informed that if he were present he would vote "yea" on the pending proposition. Therefore I am at liberty to vote, and I vote "yea."

Mr. FESS (when his name was called). I am paired with the junior Senator from Mississippi [Mr. STEPHENS]. I understand were he here he would vote "yea," the same way that I intend to vote. As I am, therefore, privileged to vote, I vote "yea."

Mr. MCKELLAR (when his name was called). I am paired for the day with the Senator from Ohio [Mr. WILLIS], but I have been advised that if he were present he would vote as I intend to vote. Therefore I shall vote. I vote "yea."

Mr. PEPPER (when the name of Mr. REED of Pennsylvania was called). My colleague, the junior Senator from Pennsylvania [Mr. REED], is unavoidably absent. As has been stated, he is paired with the junior Senator from Delaware [Mr. BAYARD]. I am advised that if present and at liberty to vote, my colleague would vote "yea."

Mr. TRAMMELL (when his name was called). I have a pair with the senior Senator from Rhode Island [Mr. COLT]. In his absence, I transfer that pair to the junior Senator from Mississippi [Mr. STEPHENS] and vote "yea."

The roll call was concluded.

Mr. MCKINLEY. My colleague, the senior Senator from Illinois [Mr. McCORMICK] is absent for the day. If he were present, he would vote "yea."

Mr. BAYARD. Mr. President, the senior Senator from Pennsylvania [Mr. PEPPER] has announced that his colleague, the junior Senator from Pennsylvania [Mr. REED], if present, would vote "yea." I have a pair with that Senator, in his absence, as I stated a moment ago. Now that it is stated that if present he would vote "yea," I shall vote. I vote "yea."

Mr. TRAMMELL (after having voted in the affirmative). Since voting on this question I am informed that my pair, the senior Senator from Rhode Island [Mr. COLT], if present, would vote as I have voted. I desire to make this announcement, and to say that I am released from my pair on this particular vote. I allow my vote to stand.

Mr. OWEN (after having voted in the affirmative). I wish to make a similar announcement in regard to my pair, the Senator from Illinois [Mr. McCORMICK]. If present, that Senator would vote as I have voted. So I am at liberty to vote, and allow my vote to stand.

The result was announced—yeas 90, nays 0, as follows:

YEAS—90.

Adams	Ernst	King	Robinson
Ashurst	Fernald	Ladd	Sheppard
Ball	Ferris	La Follette	Shields
Bayard	Fess	Lenroot	Shipstead
Borah	Fletcher	Lodge	Shortridge
Brandeggee	Frazier	McKellar	Simmons
Brookhart	George	McKinley	Smith
Broussard	Gerry	McLean	Smoot
Bruce	Glass	McNary	Spencer
Bursum	Gooding	Mayfield	Stanfield
Cameron	Greene	Moses	Stanley
Capper	Hale	Neely	Sterling
Caraway	Harrell	Norbeck	Swanson
Copeland	Harris	Norris	Trammell
Couzens	Harrison	Oddie	Underwood
Cummins	Heflin	Overman	Wadsworth
Curtis	Howell	Owen	Walsh, Mass.
Dale	Johnson, Calif.	Pepper	Walsh, Mont.
Dial	Johnson, Minn.	Phipps	Warren
Dill	Jones, N. Mex.	Pittman	Watson
Edge	Jones, Wash.	Ralston	Wheeler
Edwards	Kendrick	Ransdell	
Elkins	Keyes	Reed, Mo.	

NOT VOTING—6.

Colt	Reed, Pa.	Weller	Willis
McCormick	Stephens		

So the amendment of Mr. WALSH of Montana in the nature of a substitute was agreed to.

The PRESIDING OFFICER. Under the unanimous-consent agreement, no further amendments being in order, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question now is, Shall the joint resolution pass?

Mr. ROBINSON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. BRUCE (when his name was called). I am paired with my colleague, the senior Senator from Maryland [Mr. WELLER]. I am informed, however, that if he were present, he would vote as I shall vote, and therefore I take the liberty of voting. I vote "yea."

Mr. FESS (when his name was called). Making the same announcement that I made a moment ago, I vote "yea."

Mr. MCKELLAR (when his name was called). Making the same announcement as before, I vote "yea."

Mr. OWEN (when his name was called). I wish to make the same announcement as before, that I am paired with the Senator from Illinois [Mr. McCORMICK]. I understand that if he were present, he would vote in the same way that I shall, and therefore I am at liberty to vote. I vote "yea."

Mr. PEPPER (when the name of Mr. REED of Pennsylvania was called). Making the same announcement as before in the case of my colleague [Mr. REED], I am advised that if present and at liberty to vote, he would vote "yea."

Mr. HARRISON (when Mr. STEPHENS' name was called). My colleague [Mr. STEPHENS] is unavoidably absent. If he were present on this and the last roll call, he would vote "yea."

Mr. TRAMMELL (when his name was called). I have a pair with the senior Senator from Rhode Island [Mr. COLT]. I understand, however, that if present, he would vote as I propose to vote. I will therefore vote. I vote "yea."

The roll call was concluded.

Mr. CURTIS. I have been requested to announce that the Senator from Maryland [Mr. WELLER] and the Senator from Ohio [Mr. WILLIS] if present would have voted "yea" on this question.

The result was announced—yeas 89, nays 0, as follows:

YEAS—89.

Adams	Ernst	King	Robinson
Ashurst	Fernald	Ladd	Sheppard
Ball	Ferris	La Follette	Shields
Bayard	Fess	Lenroot	Shipstead
Borah	Fletcher	Lodge	Shortridge
Brandeggee	Frazier	McKellar	Simmons
Brookhart	George	McKinley	Smith
Broussard	Gerry	McLean	Smoot
Bruce	Glass	McNary	Spencer
Bursum	Gooding	Mayfield	Stanfield
Cameron	Greene	Moses	Stanley
Capper	Hale	Neely	Sterling
Caraway	Harrell	Norbeck	Swanson
Copeland	Harris	Norris	Trammell
Couzens	Harrison	Oddie	Underwood
Cummins	Heflin	Overman	Wadsworth
Curtis	Howell	Owen	Walsh, Mass.
Dale	Johnson, Calif.	Pepper	Walsh, Mont.
Dial	Johnson, Minn.	Phipps	Warren
Dill	Jones, N. Mex.	Pittman	Watson
Edge	Jones, Wash.	Ralston	Wheeler
Edwards	Kendrick	Ransdell	
Elkins	Keyes	Reed, Mo.	

NOT VOTING—7.

Colt	Reed, Pa.	Warren	Willis
McCormick	Stephens	Weller	

So the joint resolution was passed.

The PRESIDING OFFICER. The question now recurs upon agreeing to the amended preamble proposed by the Senator from Montana.

The preamble as amended was agreed to.

Mr. JONES of New Mexico. Mr. President, I had no doubt how I should vote on the joint resolution which has just been adopted. With profound regret, indeed in painful sorrow and sadness, I cast my vote in the affirmative.

On motion of Mr. WALSH of Montana, the title was amended so as to read: "A joint resolution directing the President to institute and prosecute suits to cancel certain leases of oil lands and incidental contracts, and for other purposes."

The joint resolution, as passed, is as follows:

Whereas it appears from evidence taken by the Committee on Public Lands and Surveys of the United States Senate that certain lease of naval reserve No. 3, in the State of Wyoming, bearing date April 7, 1922, made in form by the Government of the United States, through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Mammoth Oil Co., as lessee, and that certain contract between the Government of the United States and the Pan American Petroleum & Transport Co., dated April

25, 1922, signed by Edward C. Finney, Acting Secretary of the Interior, and Edwin Denby, Secretary of the Navy, relating among other things to the construction of oil tanks at Pearl Harbor, Territory of Hawaii, and that certain lease of naval reserve No. 1, in the State of California, bearing date December 11, 1922, made in form by the Government of the United States through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Pan American Petroleum Co., as lessee, were executed under circumstances indicating fraud and corruption; and

Whereas the said leases and contract were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress; and

Whereas such leases and contract were made in defiance of the settled policy of the Government, adhered to through three successive administrations, to maintain in the ground a great reserve supply of oil adequate to the needs of the Navy in any emergency threatening the national security: Therefore be it

Resolved, etc., That the said leases and contract are against the public interest and that the lands embraced therein should be recovered and held for the purpose to which they were dedicated; and

Resolved further, That the President of the United States be, and he hereby is, authorized and directed immediately to cause suit to be instituted and prosecuted for the annulment and cancellation of the said leases and contract and all contracts incidental or supplemental thereto, to enjoin further extraction of oil from the said reserves under said leases or from the territory covered by the same, to secure any further appropriate incidental relief, and to prosecute such other actions or proceedings, civil and criminal, as may be warranted by the facts in relation to the making of the said leases and contract.

And the President is further authorized and directed to appoint, by and with the advice and consent of the Senate, special counsel who shall have charge and control of the prosecution of such litigation, anything in the statutes touching the powers of the Attorney General of the Department of Justice to the contrary notwithstanding.

RESIGNATIONS FROM NAVY DEPARTMENT.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Chair lays before the Senate Senate Resolution No. 134, which will be read for the information of the Senate.

The reading clerk read Senate Resolution No. 134, submitted by Mr. ROBINSON on the 28th instant, as follows:

Whereas, in view of the revelations and testimony developed in the Teapot Dome investigation: Be it

Resolved, That it is the sense of the United States Senate that the President of the United States immediately request the resignation of Edwin Denby and all other officials and officers in the Navy Department whose connection with the leasing of the oil reserves of the Government indicates malfeasance in office.

Mr. COPELAND. Mr. President, we have before us a resolution calling for the resignation of the Secretary of the Navy. There are times when one hesitates between duty and friendship. I have known and admired Mr. Denby for many years. Therefore, I very reluctantly take a position upon the floor to-day.

When Mr. Denby was appointed Secretary of the Navy it was said to the country that a man very familiar with naval affairs had been selected for this high office. He has been interested in the Navy from his early youth. In our war with Spain in 1898 Mr. Denby was a gunner's mate on the *Yosemite*, the crew of which was made up largely of men from the State of Michigan. He has been a member of the Naval Reserve, and afterwards of the United States Marine Corps. He has spent at least 25 years of his life in the study of naval affairs, and he was represented to the country as being a man preeminently fit for the office to which the President appointed him.

I take it for granted, therefore, that Mr. Denby must have made a study of all the acts and activities of the Navy Department; that he must have been familiar in every way with all those acts, and with the actions of his predecessors. I think it is safe to assume that Mr. Denby had intimate knowledge of what his immediate predecessors in that office had done. So we have a right to assume that he knew all of these things; but, for fear there may be some Senator who is not familiar with what took place at the Navy Department immediately before Mr. Denby's becoming head of the department, I want to call the attention of the Senate to the action of the Secretary of the Navy in 1915.

At that time, before we had entered upon war, while we were yet at peace, the Secretary of the Navy, Mr. Daniels, proposed to get the expert knowledge of every man in the United States who knew anything about fuel, fuel oil, and all the other problems relating to the Navy. Mr. Daniels asked Mr. Thomas

A. Edison to become president of a civilian consulting board, and then the various great engineering societies of this country were asked to add to the membership of that board.

Eleven societies accepted that invitation; and I want to read their names into the RECORD, because I think every Senator should know about what was done in the Navy Department in order that we might be prepared, in case of war, to protect our borders and to preserve all of our interests. The Secretary of the Navy invited 11 of these great organizations each to appoint two members, and proposed that the whole number of 24 should become a civilian consulting board of the Navy. The societies which responded were the following:

The American Chemical Society; and by the aid of the men of this society part of our development was made in reference to poison gases and other matters.

The American Mathematical Society.

The American Society of Civil Engineers.

The American Aeronautical Society. One of the members appointed by that society was Hudson Maxim.

The Inventors' Guild. Peter Cooper Hewitt was one of them.

The American Society of Automotive Engineers appointed two members. Howard Coffin was one.

The American Institute of Mining Engineers appointed two.

The American Electro-Chemical Society.

The American Society of Mechanical Engineers; and I want to speak particularly of the delegates of this society, because of the care with which they were chosen. The trustees of the American Society of Mechanical Engineers submitted a list of the men who seemed eminently fitted by their training and because of their positions of authority in that great profession to serve upon this board, and then they took a vote of all the members of that great society, reaching into every State of the Union, and then they selected from that first vote the two men who stood out first, and they were voted for; and in that way the Secretary of the Navy received the help of two of the greatest mechanical engineers in this country.

American Society of Aeronautic Engineers.

War Committee of Technical Societies.

All of these were brought together to form this Naval Consulting Board of the United States.

After a little bit it was found necessary to appoint a member of the regular establishment of the Navy who should be the liaison officer between this great committee and the Navy itself, and a rear admiral of the Navy, William Strother Smith, was appointed for that purpose.

From the time of the appointment of this committee, in October, 1915, to August, 1916, it was an unofficial body; but at that time, by the appropriation act approved August 29, 1916, Congress legalized this board by making the appropriation, as follows:

For the actual expenses incurred by and in connection with the Civilian Naval Consulting Board, the sum of \$25,000.

Immediately after the board was legalized by that act, the organization took place in the office of the Secretary of the Navy on September 19, 1916, and this board continued to act, and did much to give the Navy the splendid reputation it had for preparedness when war was declared April 6, 1917.

One of the committee appointed by this consulting board was known as the committee on fuel and fuel handling. Mr. Spencer Miller was chairman of that committee. On the 1st of July, 1916, this particular committee on fuel and fuel oil was brought together in the Engineers' Society Building, in New York, and the entire membership of the Naval Fuel Board was present. I want to call attention to that because we want to make sure that the activities of this civilian board were not so separate and apart from the regular activities of the Navy that the Navy and Navy Department did not know about the activities of the board. But at this meeting in July there were present all the members of the Naval Consulting Board and these officers in the Navy—Rear Admiral John R. Edwards, Lieut. Commander John Halligan, jr., Lieut. Commander J. O. Richardson, Lieut. O. D. Conger, Lieut. F. W. Milner, who were the official members of the Naval Fuel Oil Board. In addition to those gentlemen there were present the members appointed by Mr. Daniels through the recommendation of these various scientific societies. In addition, there were invited into this conference all the great experts on oil and oil-fuel problems in the United States. These were world-famous experts, brought together to make plans for the protection of this country, particularly with reference to fuel oil.

This great conference had before it all the facts relating to the history of the fuel proposition as regards our Navy, and I want to call to the attention of the Senate two or three

of those facts, because they have a bearing upon the question at issue to-day.

In 1911 the first battleships with exclusively oil-fuel installation were authorized. That was a radical departure, and was so considered in the Navy, because there was a fear all the time that the commercial demand for oil might exhaust the supply. Anyhow, in 1911 it was decided to enter upon this project. Then in September, 1912, because of the fear that there might not be sufficient supplies of oil, President Taft, under authority of an act of Congress, set aside this No. 1 reserve in California, and in December, 1912, No. 2 reserve. Then, under Mr. Wilson's administration, in April, 1915, No. 3, the Teapot Dome reservation, was set aside.

The orders setting these reserves aside distinctly stated that "they shall be held for the exclusive use and benefit of the United States Navy." So, historically, Mr. President, from the very inception of the plan to make use of fuel oil in the operation of our ships, for the protection of the country, and to make certain that there should be supplies of oil, these reserves were set apart "for the exclusive use and benefit of the United States Navy."

The reasons why these reserves were set aside are set forth in the official proceedings of this Naval Consulting Board, and I quote from the record of the Naval Consulting Board of the United States, by Lloyd N. Scott, at page 59. He compiled the record of this board, and it is a Government publication. I read:

It was the intention to hold these areas, which could be wisely conserved in reserve, and not utilize their oil content until the shortage of domestic production or the increased price of fuel rendered it advisable. These reserves were designed to serve as an assurance against the possibility of having a large fleet of exclusively oil-burning warships, with no oil available.

It was deemed advisable that for all time to come there should be no uncertainty about the supply of oil which our ships might have.

At this time many of the students of the petroleum reserves of the United States had predicted an early decline in the yield of petroleum and had estimated that the supply in the ground would last only approximately 22 years.

May I say in passing, Mr. President, that the great commercial interests are always smarter than the Government. We do not always read these reports, but Mr. Doheny and Mr. Sinclair always read them. They got the benefit of the fact that this great board of experts had determined that the oil supply within our own borders would be exhausted in 22 years, and they got busy to get possession of these oil fields, and they have succeeded very admirably for the time being.

It has been brought out in the debate on different occasions that it was a wise thing, possibly, to take the oil out of the earth, because of the possibility of seepage or because of the possibility of drainage, and to put the oil into tanks where it might be used. I want to show what the Naval Consulting Board thought about that. This matter of the storing of oil outside of the earth was considered by the Consulting Board of the Navy, and I quote again:

One of the important points taken into consideration was the question of storage of fuel oil and its searching power, and whether liquid fuel could be stored beneath the ground in large quantities in the United States. An understanding of this matter necessarily took into consideration the construction of underground concrete storage tanks, the effect of heat and cold on a concrete construction, and the proportionate constituent parts that would be used in such concrete, the safety of the tanks, and the effect of explosions of dynamite on them, as well as the covering of the tanks with clay, sand, broken rock, or sand loam. The names of those firms in the United States that had had the most extended experience in oil-tank construction and the latest designs of storage tanks and pumping equipment were also investigated.

It will be readily seen, Mr. President, that this board of experts, headed by Mr. Edison, did not overlook anything which might have to do with the guarding of the interests of the country. Among other things they disapproved the absurd idea of taking the oil from its safe place in the earth to storage tanks of any sort.

Naturally, Senators will be interested to know what the conclusions of this conference were. After all these great experts had been gathered together from every part of the country what did they determine to be the policy of the United States? Let me repeat, that in these meetings there was always found the naval fuel oil board, made up of high officers of the Navy. There were several joint meetings. On August 14 and 15, 1916, there was such a joint meeting in Newport, attended by the naval fuel oil board and the fuel oil

committee of the Naval Consulting Board. On the 6th of December, in New York, after having given several months' study to the special problem of the use of oil as fuel in our naval vessels, taking cruises on our vessels, studying every matter possibly related to the future supply of fuel oil for the Navy, they formulated their conclusions, and I want to read from the record the conclusions of this joint board. I quote:

First. The use of fuel oil enables the Navy Department to produce war vessels of a marked superiority in type. The projected battle cruisers, for example, could not be reproduced if required to use coal, nor could they be remodeled for burning coal, even at comparatively prohibitive cost, without seriously curtailing their military value.

This is because of the great bulk of coal which it will be necessary to carry in case of long cruises. Let me call attention to this significant statement, the second conclusion of this joint board:

It is the unanimous opinion, therefore, of your committee that the requirements of national defense demand that the Nation hold with unassailable title reserves of oil land within its own borders, located with reference to economical transportation, and containing sufficient oil to meet the requirements of our ever-enlarging Navy for a period of not less than 50 years.

I submit that it is out of all reason that any officer of this Government, particularly one sworn to protect our interests with reference to the Navy Department and the Navy, which has been well called our first line of defense—I submit that it is an evidence of a lack of appreciation of his responsibility, or an evidence of his unfitness for the office, if he would permit these great reserves, which had been set aside for this specific purpose, to pass out of the possession of the Government. This great board of experts, representing the great technical societies of this country and the Navy itself, said that these reserves within our own borders must be held "with unassailable title." They must contain sufficient oil to meet the requirements of our ever-enlarging Navy for a period of not less than 50 years.

Mr. NORRIS. Mr. President, I agree with the Senator that what he has called to our attention is of very great importance. But without any intention of offering any criticism of the attitude the Senator takes, I want now to submit to him this proposition.

I think it was a serious thing, and if it was that serious I want to call the attention of the Senator to the fact that under the Constitution the United States House of Representatives possesses the sole power of impeachment, and the Senate the sole power of trial in case of impeachment. Now, are we not liable to get into the position that, without expressing any opinion as to whether this is an impeachable offense, if, as to the Secretary of the Navy or any other member of the Cabinet, there has been such a disregard of duty, such malfeasance in office that property connected with the very life of the Nation has been squandered, and if they can be connected with it in such way as to make them responsible for it, they ought to be impeached and ought to be tried upon that impeachment?

Is there not danger if we pass a resolution of this kind asking the President to ask somebody to resign from his Cabinet that, whether it brings about a resignation or not, it would to quite an extent at least disqualify us who in case of impeachment must act as the jury in the case? If we succeed in pushing somebody out of public office through a means of this kind who ought to be impeached and tried for malfeasance in office, have we not done more injury than good?

Mr. COPELAND. In reply to the Senator from Nebraska I would like to say that personally I am not concerned in what may be the ultimate action of the Senate regarding the resolution now pending, and I wish to say further that so far as I am concerned I intend to make clear to all the people of the country if I can that there has been misfeasance or malfeasance in office. I want the President of the United States to know the facts regarding Mr. Denby. I want the President to realize that in our judgment it was the business of the Secretary of the Navy to know there was a Naval Consulting Board in the Navy and that it was his business to know that this Naval Consulting Board of the United States had made certain decisions regarding the use of oil.

Mr. NORRIS. May I interrupt the Senator further?

Mr. COPELAND. Certainly.

Mr. NORRIS. I fear the Senator has not quite understood the idea I wanted to convey. I do not want him to understand that I criticize him for making any of this record public. I commend him for it. He is performing a useful and a patriotic service. I had reference to the pending resolution, in which we call upon the President to demand the resignation of a Cabinet officer who, it may develop upon an investi-

gation as to which I understand resolutions have already been introduced in the House, may be brought to trial before us. I am not objecting to what the Senator is saying. I do not want him to get that idea. I am looking just a little in advance and calling attention to the fact that to me it seems in the passage of this kind of resolution we may block the very thing he wishes.

Mr. COPELAND. Is the Senator fearful that I might prejudice the jury by anything I am saying?

Mr. NORRIS. No. I am not complaining about what the Senator is saying, but questioning whether we ought to pass the resolution or not.

Mr. COPELAND. Of course, the Senator must let me finish, because at the end I might possibly agree with him. I have not yet said what my attitude is on the resolution.

Mr. NORRIS. What I have reference to in my question is entirely relating to the resolution and whether it is a good thing for us to pass the resolution, and not in any sense a criticism of or objection to what the Senator is saying.

Mr. COPELAND. Let us have patience a little longer.

Mr. NORRIS. I shall do so.

Mr. COPELAND. Let us get the facts and then perhaps the Senator and I can agree. We usually do agree, and I hope we can in this matter.

Mr. HEFLIN. Mr. President—

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from New York yield to the Senator from Alabama?

Mr. COPELAND. I yield.

Mr. HEFLIN. If the Senator from New York will permit me, the Senate has just passed a resolution in which it was said:

Whereas the said leases and contract were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress; and

Whereas such leases and contract were made in defiance of the settled policy of the Government, adhered to through three successive administrations, to maintain in the ground a great reserve supply of oil adequate to the needs of the Navy in any emergency threatening the national security.

I think the Senator is correct. The Senate has already said that this officer is guilty of these things; and if he is, he is guilty of crime. If he is guilty of crime, why should not the Senate say now by this other resolution that he ought to be removed from office? I think the Senator is eminently correct.

Mr. COPELAND. I thank the Senator from Alabama.

Now let me continue my quotation from the conclusions reached by the joint board, and in order that I may not be misunderstood let me remind Senators again that this board consisted of five members, of Navy officers actively engaged in the naval service, besides the great experts presided over by Mr. Thomas A. Edison. The committee held that these reserves must be kept because we must have within our own borders sufficient oil to meet the requirements for our Navy for not less than 50 years, and then proceeded as follows:

Third. That the best estimate at hand, that of the United States Geological Survey, respecting the probable remaining supply of petroleum underground within the United States is 7,629,000,000 barrels. The marketed production of petroleum within the United States in the year 1915 was 281,104,104 barrels. A simple calculation will show that should the consumption of oil remain fixed the estimated available supply will last only 28 years. While forests cut down can be reproduced in time, petroleum taken from the ground and consumed is forever gone.

That is the reason why Mr. Doheny and Mr. Sinclair were so active. They had read this report and they wanted to get that oil before the Government had possession of it.

I quote again:

Your committee is well aware of the fact that great quantities of fuel oil are to-day imported from Mexico for industrial uses and that the Mexican oil fields are probably the most extensive deposits of oil anywhere in the Western Hemisphere, if not in the world, but it believes that as a means of national defense such oil could not and should not be depended upon in the event of war. To-day Great Britain receives her supply of oil fuel from Mexico, and is assured thereof only so long as she maintains undisputed control of the seas.

That is, the joint committee believes—

That as a means of national defense such oil supply could not and should not be depended upon in the event of war.

And here is a little warning to Great Britain.

Great Britain is assured thereof only so long as she maintains undisputed control of the seas.

Here is the conclusion of the joint committee after months of effort and study by this board of great experts:

For the use of our Navy it is now estimated that there will be an annual consumption in time of peace of quantities increasing from 842,000 barrels during the present fiscal year to 10,000,000 barrels annually in 1927. In time of war this consumption will be increased at least threefold. That is to say, we must face the possibility of a consumption in war time of not less than 30,000,000 barrels per annum. Nor does this take any account of oil fuel for aircraft or for industrial processes associated with national defense.

Your committee has given full consideration to the possibility of diverting from these industries sufficient oil to meet the demands of the Navy in time of war, but has reached the conclusion that this might of itself cripple industrial establishments upon which the Nation must depend for munitions of war.

Your committee, in view of the foregoing, believes that the representatives of our Nation in Congress now assembled have before them at present a question of supreme importance to the national defense, in that certain legislation is pending which imperils the present oil reserves of the Navy, and therefore your committee has prepared the following resolutions which it offers to the Naval Consulting Board with a recommendation for their adoption.

Here are the resolutions adopted after mature deliberation on all the matters involved, the deliberations of this great committee of naval experts, officers of the Navy, and the greatest technical experts of the country:

Whereas the Navy Department, after years of study and consideration, has definitely committed itself to the use of oil fuel on our naval vessels on account of its superior military advantages; and

Whereas the permanence and continuity of such fuel supply must be assured both for time of peace and of war; and

Whereas legislation is now pending in Congress which jeopardizes the integrity of naval petroleum reserves heretofore established for the above purpose; and

Whereas action by Congress adverse to the Navy Department's interests in these reserves will constitute a precedent for future actions and make any reserve whatever uncertain and liable to diversion: Therefore be it

Resolved, That the Naval Consulting Board, the official civilian advisory board of the Navy, composed of members of 11 national engineering and scientific societies, is convinced that any legislation which may divert from the Navy any portions of its reserves will seriously weaken the Navy and imperil the national defense.

So this great board of experts decided that to divert any portion of the naval oil reserves would seriously weaken the Navy and imperil the national defense. Mr. Denby must have known that. He must have had knowledge of this fact.

The Naval Consulting Board therefore urges upon the Nation and its Representatives in Congress to permit no steps to be taken that will impair the integrity of the existing naval petroleum reserves.

The Naval Consulting Board commends the recent action of the Secretary of the Interior—

That was Mr. Lane at the time, I think—

in recommending the creation of additional naval reserves in Colorado, Utah, and Wyoming on lands which have prospective value for oil production.

This great board did not think it wise to give up any of the present reserves. As a matter of fact, they felt that further reserves should be added in order that there should be proper protection for our country and that we might be prepared in case of disaster.

The Naval Consulting Board, however, does not believe that these recommended reserves can be considered as substitutes for existing reserves.

I have heard it contended that if certain other reserves in Alaska or in the moon or somewhere were taken over, these valuable naval reserves could be given to Harry Sinclair and Mr. Doheny.

The resolution was signed by all the members of the Naval Consulting Board. As a result of this investigation Secretary Daniels stated that the Navy Department would maintain its legal rights, whatever they might be, to the unpatented lands in the naval oil reserves, and the legislation which was designed to take these lands away from the Navy Department was never passed.

I think Mr. Daniels deserves great credit for the position which he took at that time.

Mr. Denby must know all about this. We have the right to assume that Mr. Denby knew all about it. If he did not know

all about it, or did not learn all about it, he had no business to hold the office; and if he does not know it now and did not act upon such advice, he has no business to continue in office.

Under the act of 1920 the Secretary of the Navy was given full charge of the naval reserves. I hold that act in my hand, and it provides:

That the Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become subject to the control and use by the United States for naval purposes.

And so on. Mr. Denby knew about that, but when the proposed transfer was talked about he did not seem to have much backbone. Colonel Roosevelt, the Assistant Secretary of the Navy, took to Mr. Denby the proposed Executive order.

As I understand the law of 1920, the President himself had no right to make a transfer of these reserves from the Navy Department to any other department.

Mr. JONES of New Mexico. Mr. President—

Mr. COPELAND. I yield to the Senator from New Mexico. Mr. JONES of New Mexico. I find in the testimony taken before the committee a statement, which seems to be convincing, that the Secretary of the Navy had knowledge as to what the previous policy of the department had been. On page 348 of the testimony of Admiral Griffin—if the Senator has in mind to refer to this, I shall not now read it—

Mr. COPELAND. Not at all. I shall be glad if the Senator will place it in the Record.

Mr. JONES of New Mexico. I find in the statement of Admiral Griffin the following:

Admiral GRIFFIN. The first intimation I had that any transfer of the administration of the naval reserves to the Interior Department was contemplated was in a conversation with Secretary Denby about the 1st of April, 1921.

At that time he told me that he intended to transfer to the Interior Department all matters relating to the administration of the naval petroleum reserves. I told him that I was very sorry to hear it and hoped that he would reconsider the matter; that the Navy had for 10 years or more been fighting to retain the oil that we had in the naval reserves; that the No. 2 reserve had been pretty well drilled up, but we had reason to believe that there was considerable oil left in No. 1, and also in No. 3 reserve in Wyoming; that in all the controversies that had taken place regarding these naval reserves we had always met with opposition from the Interior Department, and that if he turned the administration over to the Interior Department we might just as well say good-by to our oil. The Secretary said that the President thought that all public lands should be administered by one department of the Government, and as the Interior Department was the one best qualified to do that, that he thought all the lands should be under the Interior Department. The Secretary said he also was of that opinion.

Mr. COPELAND. That is the Secretary of the Navy?

Mr. JONES of New Mexico. Yes; the Secretary of the Navy. Admiral Griffin continues:

I told him that I did not agree that these were public lands; that I thought that after they had been withdrawn from entry and set aside for the exclusive use of the Navy they were as much naval property as were the navy yards, and that I hoped he would not transfer them. He spoke to me again on the subject a week or two later, and it was very evident from what he said that the transfer would be made.

Mr. COPELAND. I thank the Senator from New Mexico. I had not read that part of the hearings, but what the Senator has read absolutely confirms the feeling I have had, that no man should hold an administrative office such as Secretary of the Navy without being informed as to such matters. I speak with some experience myself. It is the duty of every man who is the head of a department to know what his predecessors did, to know what the policy has been in the past. It is my contention that if a man does not learn those policies and learn the history of the department he is not competent to continue in the office.

The Secretary of the Interior, reaching out and grasping to get possession of the Teapot Dome and of the California reserves, after the visit of Harry Sinclair's private car down to Three Rivers, N. Mex., and the return of the car to Washington, worked out this plan. An order was proposed and written by Secretary Fall for the President of the United States to sign.

I quote now from the hearings before the Committee on Public Lands and Surveys at page 1297. The order issued by the President reads:

The conservation, development, use, and operation of oil and gas bearing lands in naval reserves Nos. 1 and 2, California, and naval reserve No. 3, Wyoming, and naval oil-shale reserves in Colorado and Utah, is hereby committed to the Secretary of the Interior—

That was in violation of the law which provided that those reserves should be left under the direction of the Secretary of the Navy—

subject to the supervision of the President, but no general policy as to drilling or reserving lands located in an entire reservation shall be changed or adopted except upon consultation and in cooperation with the Secretary or Acting Secretary of the Navy.

How kind they were! Mr. Fall knew that he would have no difficulty in getting that cooperation from Mr. Denby, and the further facts which I shall recite indicate that he never did have any difficulty.

The Executive order goes on to say:

The Secretary of the Interior is authorized and directed to perform any and all acts necessary for the protection, conservation, and administration of the said reserves subject to the conditions and limitations contained in this order and the existing laws or such laws as may hereafter be enacted by Congress pertaining thereto.

The Secretary of the Navy never had any such power, and the Senate of the United States agreed to-day that he never had such power by the passage of the joint resolution proposing to cancel the leases.

Did this proposed order get to the attention of Mr. Denby? It did. How did it get there? Colonel Roosevelt, the Assistant Secretary of the Navy, in his testimony said that he took the draft suggested by the Secretary of the Interior—he acted as the go-between—over to Secretary Denby. Assistant Secretary Roosevelt says:

This draft here, I can recall, was one of the drafts that was taken up. I assumed that this draft and certain other drafts, or proposed amendments defining the fact that the Navy Department was definitely to retain actual control over the oil lands, were taken by me in to the Secretary, and they were mulled over by him.

Mulled over! I looked that expression up in the dictionary this morning. I thought I knew what it meant, but it means more than I thought it did, and Assistant Secretary Roosevelt was using it in its correct sense, the dictionary sense, not in the sense in which I have always used the word. "To mull" means to make a mess of or to muddle. [Laughter.] That is exactly what Mr. Denby did with the order and with the reserves and with the whole situation; he made a mess of it; he muddled it.

The word "mull" also means to heat, to sweeten, to spice, and he certainly did heat, sweeten, and spice a fine morsel for Mr. Doheny and Mr. Harry Sinclair. He "mulled over" this order all right.

So the order was agreed upon, and, without legal right, the reserves were transferred to the Interior Department, and without public letting were given over to Harry Sinclair and Mr. Doheny. We have discussed that, and I do not care to go into it at any length; but the point I do want to make is that Mr. Denby, who as Secretary of the Navy was the head of the department and responsible for the acts of his department and for his own acts, is condemned by the words of the Senator from Wisconsin [Mr. LENROOT].

I find from the RECORD of January 29, page 1606, that the Senator from Wisconsin said:

I think it may be argued in the courts that, although this lease did have the signature of the Secretary of the Navy—

And it will be recalled that when the lease was finally made it was a peculiar thing. As finally signed it read in part like this:

Now, therefore, the Government of the United States, acting through the Secretary of the Interior—

Who had no authority—

by and with the consent of the Secretary of the Navy, proposes to secure the objects—

And so forth. It was signed in that way.

To resume the quotation from the speech of the Senator from Wisconsin, he said:

I think it may be argued in the courts that, although this lease did have the signature of the Secretary of the Navy, as appears upon the face of the lease, and as was known to the lessees themselves, the power delegated by the Congress to the Secretary of the Navy and the judgment that it expected him to exercise were not, in fact, exercised by him—

They were not exercised by Mr. Denby—but were exercised by another officer of the Government.

Those powers were exercised by Mr. Fall, the Secretary of the Interior. So, the Senator from Wisconsin reached the conclusion—

Therefore the signature of the Secretary of the Navy to the lease, in view of the previous recitals of the lease, could not give validity to that which would have otherwise been invalid.

But, at any rate, the thing went on. And now I see a cumulative effect from all we have learned about the actions of the Secretary of the Navy. I say in all sorrow, Mr. President, that I think it has been demonstrated to the Senate that either Mr. Denby is incompetent and unfit to hold office because of his failure to grasp the responsibilities of the office or—and I am sure the alternative is not true—he connived with Mr. Fall to rob this Government of these lands and to leave us unprotected because he failed to have his department keep possession of the naval oil reserves.

I do not believe that the second alternative is the proper one, Mr. President, but I am forced to believe that Mr. Denby has shown such incompetence in his office that he should not be permitted to continue to occupy it; and I believe that the President of the United States—who certainly has at heart the interests of this country—when he fully realizes what incompetence is to be found in this great department, taking care of our first line of defense, will himself present this matter to Mr. Denby and request his resignation.

We hear all the time that public office is a public trust. This country is looking to the Congress of the United States, it is looking to Washington, to see how this matter is to be dealt with. For myself, Mr. President, no matter how reluctantly it may be, I want to say that in my judgment the Secretary of the Navy should resign his office and that great department should be put in other and in safer hands.

Mr. FLETCHER. Mr. President, I shall not detain the Senate very long. I think it unnecessary to review all the facts in this case. It has been discussed now for practically all the week, and we have had the opportunity of reading the hearings. We have heard the arguments pro and con as far as they have been presented. It is unnecessary to review all the circumstances.

When this resolution was presented my mind went back to the time when I had quite extensive experience in a similar case. On January 19, 1910, a resolution was adopted by Congress appointing a joint committee to be composed of 12 members, 6 to be designated by the President of the Senate and 6 to be designated by the Speaker of the House, to investigate the conduct and acts of the officers connected with and related to the Interior Department and the Forestry Service. We spent many months in making that inquiry. Here in Washington the hearings were persisted in week after week. Finally the last meeting was held in Minneapolis, at the designation of the chairman of the committee.

I have just been looking at this report. Precisely one-half of the members of that committee have passed over the river. I remember very well some of the principal questions involved. Able counsel were employed in the case to represent the Secretary of the Interior, the Director of the Forestry Service, and others connected with that investigation. The result was, finally, a report signed by a minority, and agreed on at the Minneapolis meeting, in which all the Democrats joined and one Member of the House, a Republican member of the committee, Mr. Madison, of Kansas, who has since passed away. The majority report was submitted by the other members of that committee. Those reports never were acted on. They came in some time in January or February of 1911, and shortly thereafter the Secretary of the Interior resigned.

One of the questions involved in that investigation was whether the Secretary of the Interior had been faithful to his trust—not whether he had stolen any property, not whether he ought to be sent to jail, or whether he ought to be impeached, but the broad question of whether he had dealt with the resources and property of the people of the United States with the degree of fidelity which should characterize an official in that position. That was the question, and that is the question here.

The Secretary of the Interior resigned. He was succeeded by Mr. Walter Fisher, and on June 21, 1911, Mr. Fisher, then being Secretary of the Interior, took action respecting a very important feature of that whole investigation, namely, the Cunningham claims. These Cunningham claims had been listed for patent by the Secretary of the Interior, Mr. Ballinger. There were 33 of them.

Individuals had been selected here and there by Mr. Cunningham and had pretended to go into Alaska, and had pretended to make entry each of all the area that the law permitted an individual to have. As a matter of fact, these individuals were mere dummies of Cunningham's. Their whole purpose and scheme was to have these 33 so-called individuals make these entries, each to the limit that was possible, and to have all of them transfer their interests to a corporation which the Cunninghams controlled.

Those claims, as I say, had been listed for patent by Mr. Ballinger, the Secretary of the Interior. The contention of those who helped to bring on the investigation and who prosecuted the investigation was that they were fraudulent, and that they ought not to be patented, because they were not based on good faith; they were in violation of the law.

Mr. Fisher, be it said to his credit, after becoming Secretary of the Interior, on June 21, 1911, canceled all these 33 Cunningham claims. The decision will be found in Forty-first Land Decisions, page 176. Some cases were brought in the courts and some criminal prosecutions for conspiracy. All that I will not go into. Mr. Fisher held, which is undoubtedly sound law, that locations and entries of coal lands in the district of Alaska in the name of individuals, and ostensibly in the interest of the individuals, respectively, but in reality for the common use and benefit of an association or a corporation of persons, the use of the names of the individuals being merely to effect a colorable compliance with the law, are illegal; and so all these claims were canceled.

I cite that merely as illustrating the point which I am now going to make. I have before me a reprint of the speech which I made in the Senate on January 19, 1911, in discussing that case. I do not know that I can improve on what I said then regarding the standards required by the public interest and the people of this country respecting their representatives in high place. I said, and I say it now:

There has been no question of criminal guilt involved.

Up to this time I have no sufficient evidence to show that.

Bribery or corruption of gross sort has not been charged.

Certainly as to Secretary Denby that is true, and so those things are true.

Between vulgar graft and criminal guilt on one side and perfection on the other is a broad field. Within it lies the standard of official conduct the people have a right to exact.

They do not require that an official shall be infallible. They do not expect him to commit no error of head or heart. On the other hand, they are not satisfied to have him simply keep on the windy side of the law and pursue a course which is neglectful of and unfaithful to their interests to the point just inside the line of criminal guilt. They demand that he shall be honest; that he shall serve to the best of his ability and in the utmost good faith. The honesty they have a right to demand is of that broad nature which means something more than keeping out of jail.

The fidelity they have a right to insist on is of that positive, aggressive, vigilant kind which means something more than complacently moving along lines of least resistance.

The public desire and have a right to require that the official, holding its power of attorney, shall stand steadfastly for the welfare of the people, yield to no pressure, whether of particular friends or powerful political or financial influences, that would jeopardize or endanger the rights or interests of the whole people.

The public expect and have a right to demand that the official shall fully realize the large responsibilities of his position, be ever mindful of the trust reposed in him, and faithful and diligent in the performance of his duties. Honesty, courage, and ability, in the order named, are the qualities demanded in high official position.

The principal question then is, Has the Interior Department been officered and conducted according to these standards; have these officials observed true fidelity to the public interests, or have they been characterized by a lack of it?

That is the standard which, I insist, should prevail to-day.

Mr. WALSH of Massachusetts. Mr. President, will the Senator kindly state from what he is reading?

Mr. FLETCHER. I am reading from my speech in the Senate on January 19, 1911, discussing the report of the committee which I helped prepare in what is known as the Ballinger-Pinchot controversy.

Mr. PEPPER. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Pennsylvania?

Mr. FLETCHER. I yield to the Senator.

Mr. PEPPER. The Senator may remember that I was of counsel for the then forester, Mr. Pinchot, in the proceeding to which the Senator has referred.

Mr. FLETCHER. I remember it very well.

Mr. PEPPER. I wish to ask the Senator whether he does not think there is a notable distinction between the recommendations of the minority in that case—which, as he quite properly points out, stopped short of imputing anything criminal to the then Secretary of the Interior—and a resolution which fastens upon him criminal guilt by way of either malfeasance or misfeasance in office, or both of them?

I understood the point of the Senator's remarks to be that he was not prepared to affirm criminal guilt upon the part of the present Secretary of the Navy.

Mr. FLETCHER. Yes.

Mr. PEPPER. I direct his attention to the fact that that is precisely what the joint resolution under consideration does.

Mr. FLETCHER. I am not inclined to go as far as the Senator with regard to the meaning of the resolution. It recommends his dismissal, as I understand, but that does not necessarily involve criminal guilt. The resolution reads:

That it is the sense of the United States Senate that the President of the United States immediately request the resignation of Edwin Denby and all other officials and officers in the Navy Department whose connection with the lease of oil reserves of the Navy indicates misfeasance or malfeasance in office.

That does not necessarily impute criminal conduct, I take it.

Mr. PEPPER. Both misfeasance and malfeasance are criminal at common law, and both of them are impeachable offenses, and may be high crimes.

Mr. FLETCHER. There may be what amounts to misfeasance on the part of an official without being criminal.

Mr. PEPPER. Both misfeasance and malfeasance are crimes at common law, both of them are misdemeanors within the Constitution, both of them may be high crimes, and all of them are impeachable.

Mr. BROOKHART. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I yield.

Mr. BROOKHART. With reference to the question of the Senator from Pennsylvania, I will state that in the United States we are not operating under the common law. Ours is a constitutional government, within constitutional limits, and there are no common-law crimes here, as I understand it.

Mr. PEPPER. Mr. President, if the Senator from Florida will yield further, the Senator from Iowa will remember, however, that the power to impeach for high crimes and misdemeanors is vested by the Constitution in the House of Representatives, and the Senate is made the court, with jurisdiction to try those offenses.

Mr. BROOKHART. All those crimes and misdemeanors would be statutory. I do not know of any common-law crime or misdemeanor for which you can indict a man.

Mr. PEPPER. It is true that you can not indict a man for a common-law crime, because crimes against the United States are those only which result from a positive law; but if we pass a resolution here providing that this gentleman is to be dismissed from office because he has been guilty of malfeasance or misfeasance, and it subsequently turns out that he is impeachable, and he is impeached, we shall have to sit and try this defendant whom we will have previously adjudged to be guilty.

Mr. FLETCHER. I realize that situation.

Mr. BROOKHART. If the Senator from Florida will yield a moment further, it seems to me there might be a distinction. One might vote for this resolution who would not vote for his conviction on impeachment at all. There might be plenty of public reasons why he ought to resign and get out of the Cabinet which would not amount to a justification for a Senator voting that he should be convicted on impeachment.

Mr. FLETCHER. This expresses the sense of the Senate. I can see very well how you are not obliged to prove that Secretary Denby was paid \$100,000 to transfer these leases. I can see very well how you are not obliged to prove that he received the benefit in such form or shape as would make it absolute bribery and still prove that he was unfaithful to his trust, call it malfeasance or misfeasance. Perhaps that is broad enough to cover it. It is the alternative, either one or the other, either misfeasance or malfeasance. Certainly, when an official, as has been so clearly pointed out here to-day by the Senator from New York and by the previous arguments and by the evidence in this case, has been guilty of such neglect and

such breach of trust, such lack of good faith and such lack of fidelity, it justifies action on the part of this body.

Mr. RANDELL. Will the Senator from Florida yield for a question?

Mr. FLETCHER. I yield.

Mr. RANDELL. The Senator is pointing out, in a very interesting manner, the Ballinger case as a precedent in the present case. I would be glad if he would tell us, in order to refresh my memory—perhaps others may remember it very well—exactly what was the finding, or in substance the finding, in the Ballinger case, and whether or not it became necessary for the Senate, or for either House of Congress, to pass any resolution in that case; or did he resign?

Mr. FLETCHER. He resigned, I will say to the Senator.

Mr. RANDELL. When it got hot behind him, he quit, did he not?

Mr. FLETCHER. Yes. The reports came in; but I do not see just the date of the reports. This speech of mine, however, was made January 19, 1911. The reports evidently were in before that time.

Mr. RANDELL. But in substance the committee reported very strenuous findings against Mr. Ballinger, did they not?

Mr. FLETCHER. Yes; I believe they did. I have those reports here, and they are quite extensive.

Mr. JONES of Washington. Oh, Mr. President—

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Washington?

Mr. FLETCHER. Let me finish this observation first. There were 12 findings by the minority of the committee, to the same effect as the report of Judge Madison, the minority report being signed by myself, William E. Purcell, Ollie M. James, and James M. Graham, and the other report by Judge Madison. Then the majority signed another report. The document in my hand does not seem to show exactly what the report was.

Mr. RANDELL. I wanted to make it clear that the Secretary of the Interior resigned after that.

Mr. FLETCHER. Yes; he resigned.

Mr. HEFLIN. I want to call the Senate's attention to the fact that the other four members of the committee were Senator Purcell, Senator Fletcher, Mr. James, and Mr. Graham of Illinois.

Mr. FLETCHER. What the Senator from Louisiana is anxious to find out is the ultimate result?

Mr. RANDELL. Yes; that is what I am after.

Mr. FLETCHER. The ultimate result was Mr. Ballinger's resignation.

Mr. RANDELL. Exactly; but Congress did not pass any resolution demanding his resignation, did it?

Mr. FLETCHER. Nothing was done here in the Senate or in the House after these reports were received. I now yield to the Senator from Washington.

Mr. JONES of Washington. Mr. President, I know the Senator from Florida does not desire to convey the wrong impression, but I think the Senator from Louisiana has the wrong impression. The majority report of the committee exonerated Secretary Ballinger, and the minority report found against him. It was a good deal like the decision of a court. The decision of a court, made by the majority, is the decision or judgment of the court. I am not offering any defense, but simply stating what I understood the situation to be.

Mr. RANDELL. That is exactly what I wanted. I did not remember the exact facts. May I ask the Senator from Washington if it is not a fact that after those reports came in Mr. Ballinger resigned?

Mr. JONES of Washington. I think so; but I do not know how long afterwards. He did resign.

Mr. FLETCHER. Secretary Fisher canceled the Cunningham claims on June 21, 1911; so, evidently Ballinger resigned between January and June, 1911.

Mr. JONES of Washington. He resigned upon a majority judgment, of course.

Mr. FLETCHER. When I said there was a majority report and a minority report I supposed it was not necessary to read the reports or to show that the majority took one position and the minority took the other. Everybody ought to understand that. I undertook to refer to the minority report, and I gave the names of those who signed it. If the Senator wants to know the names of those signing the majority, they are Knute Nelson, Frank B. Flint, George Sutherland, Elihu Root, Samuel W. McCall, Marlin E. Olmsted, and Edwin Denby.

Mr. Denby was on that committee. He exonerated Ballinger and undoubtedly indorses the standards of Ballinger's official conduct. That is my objection to him. That is why I am in favor of this resolution. Mr. Denby's ideals, Mr. Denby's

principles, Mr. Denby's standards correspond to those of Ballinger; and Ballinger would have given away 33 entries in Alaska containing gold or coal, which were fraudulent, and which his successor, a Republican in the same office, declared but a few months after he resigned should be canceled as illegal. I just read his opinion on that particular point. The opinion can be found, as I have said, in Fourth Land Decisions, page 176. Mr. Denby was on that committee.

Mr. HEFLIN rose.

Mr. FLETCHER. Let me finish with the Senator from Pennsylvania; just a minute. The Senator from Pennsylvania [Mr. PEPPER] was counsel in that case and did a great service. He was of very great help. One of the things he laid down before us I recall, and I recited it here in this speech, as one principle of conservation:

The first principle of conservation is development—the use of the natural resources now existing on this continent for the benefit of the people who live here now. The second principle of conservation is the prevention of waste. The third is that the development of our national resources must be for the many and not merely for the benefit of a few.

I accept that as pretty sound doctrine. The Senator speaks about going too far, perhaps, with this resolution. After what I have said regarding the minority report, I want to call attention to some of the things we did. I will not review them all, but there were 12 distinct findings. One of them was—

That Mr. Ballinger, while commissioner of the General Land Office, "clear listed" the so-called Cunningham claims on insufficient evidence and under circumstances which convince us he was aware of the existence of other material evidence which he did not call for or consider and which if considered should surely have prevented the "clear listing" of the claims, and we find that in so "clear listing" said claims Mr. Ballinger showed either a lamentable want of capacity and competence or such a disregard for the rights of the public as amounted to bad faith.

Then we said—

That he aided the movement to force the Cunningham claims to a hearing before the Government was ready to proceed and properly produce its evidence and placed the management of the cases in the hands of an inexperienced young attorney with full knowledge of the importance of the cases both as to the great value of the property and the fact that, being the first cases of their kind, they were in a measure test cases.

Our finding was—

Under these circumstances and in view of these findings, which are forced upon us by a consideration of the evidence, we are under the stern necessity of making a further finding—

12. That Mr. Ballinger has not been true to the trust reposed in him as Secretary of the Interior; that he is not deserving of public confidence; and that he should be requested by the proper authority to resign his office as Secretary of the Interior.

The same thing I say with reference to the Secretary of the Navy to-day.

Mr. CARAWAY. May I interrupt the Senator?

Mr. FLETCHER. I yield.

Mr. CARAWAY. The majority report sustained Mr. Ballinger?

Mr. FLETCHER. It did.

Mr. CARAWAY. But the public never accepted the majority report?

Mr. FLETCHER. Not at all. His successor in office, Mr. Fisher, within a few months thereafter, canceled these 33 claims, which were one of the chief causes of that whole effort to question Secretary Ballinger's integrity.

Mr. CARAWAY. If I recollect, the then President went out by unanimous consent at the end of his term?

Mr. FLETCHER. I think it is very clear that the public lost confidence in Mr. Ballinger, and he saw it. He recognized the situation and resigned.

Mr. HEFLIN. Mr. President, the Senator from Louisiana asked if Mr. Ballinger did not resign, and the Senator replied that he did. In this case the Secretary of the Navy announces that he will not resign.

Mr. FLETCHER. Precisely; so that it is all the more imperative for the Senate to take some action that will, at least, invite him to that course which they think he ought to pursue without being invited.

Mr. HALE. Mr. President, I have listened with interest to the speeches of the able Senator from New York [Mr. COPELAND], and the able Senator from Florida [Mr. FLETCHER], and I believe we could debate this matter from now until the close of the session without reaching an agreement as to the blame, if any, which should attach to the Secretary of the Navy for

his part in these oil transactions. To my mind the matter should be approached from another angle. For no fraudulent or intentionally illegal acts on his part and for no intention to do anything otherwise than what was for the best interests of the country, but because, with the legal advice of his department, he signed certain oil leases, and because some two years subsequent to the signing of those leases, at a hearing before the Committee on Public Lands and Surveys, he showed a considerable degree of ignorance about the points at issue, an honorable man is to be broken and an honorable name trailed in the dust.

I say "an honorable man" advisedly. In all the testimony that has come up in the hearings and in all the bitter speeches that have been made in the Senate on the question I have heard no charge sustained or even made that the Secretary of the Navy acted in any way that was not honorable, and yet the resolution which is now before us directs the President of the United States to request his resignation from office for misfeasance or malfeasance.

Within a few hours we have passed a joint resolution which authorizes the President of the United States to institute proceedings to annul these oil leases and to appoint special counsel to go to the very root of the matter; and that they will do so and that the innocence or guilt of everybody concerned will be determined can not be doubted. But without waiting for the verdict of the court the Secretary of the Navy is to be hounded out of the Cabinet without a chance to be heard.

If this body believes the Secretary of the Navy to be a guilty man or if they can not wait for the verdict of the court, I say let him be tried as I believe he can be tried under the law by impeachment. But I do not believe that any man should be condemned as this resolution would condemn the Secretary of the Navy without giving him a chance to be heard. I say, and I say it with all the strength that I can put into the statement that I believe the resolution, if it should pass, would redound to the everlasting shame of this honorable body.

Mr. HEFLIN. Mr. President, when a public official charged with the great responsibility of acting for the people of the Nation is guilty of conduct unbecoming an officer in that station he certainly is incompetent, careless, indifferent, or crooked. Now, I do not know which one of those dilemmas the Secretary of the Navy is in, but I know that I have a responsibility to discharge to the people whose Government this is, and I would not let my personal feelings toward any friend who has done what Mr. Denby has done and what Mr. Fall has done keep me from doing my duty, as I saw it, to my country. No sympathetic appeal at a time like this will go. An outrage that smells to high heaven has been perpetrated against the people of the Nation.

I am sorry that more Senators on the other side of the Chamber did not hear the able speech of the Senator from New York [Mr. COPELAND]. He read from reports from various special boards that had been invited by the Secretary of the Navy, Mr. Daniels, to discuss the oil reserves of the country. Without a single exception, all of them recommended that these reservoirs of oil be kept intact and forever preserved for the use of the Navy, and, in spite of their recommendations and the law on the subject, the Secretary of the Navy, Mr. Denby, who succeeded Mr. Daniels, disposed of the oil holdings and permitted them to pass out of the hands of the Government—the whole fuel supply of the Navy of the United States. This is a serious matter, Senators. It is a very grave situation that confronts us.

The Senator from Maine [Mr. HALE] talks about passing judgment against a man without giving him a hearing. He has had ample opportunity to be heard. I have not seen any appeal that he has made to the Senate stating his position and undertaking to show that he was justified in doing what he did. I have seen a defiance given by him to the Senate and the country stating that he would do this thing over if it should be put up to him, and that he did not intend to resign.

Now, in what attitude do we find Republican Senators who defend that course? We find them in the attitude of saying, "If he is not ready to resign, let him alone until he gets ready to resign."

I want to submit to the Senate and to the country that an official who has gone through what this man has and who has no compunctions of conscience about it after we have been showing up here a national scandal without parallel in the history of the Government, if he has not enough compunctions of conscience to be moved by what has transpired to ask permission to get out, I take it that quiet acquiescence on the part of the Senate in his moods and whims would have no effect and that he would remain on and fold his arms and say, "I defied them and I defy them still," and

remain at the head of the Navy Department of the greatest Government on the globe. Do Senators on the other side want us to take such a course?

The Senator from Maine talks about condemning this man without letting him have a hearing. The Senator himself has voted his condemnation already. The joint resolution which we passed to-day contains this language, and the Senator from Maine, I take it, voted for it:

Whereas the said leases—

What leases? The leases made by Mr. Denby and Mr. Fall, and contracts were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress.

Is not that condemning him? That is pointing him out already as an officer unfit to hold the position he is in, and the Senator from Maine in his vote has condemned him. Are we just now finding Senators on the other side of the Chamber coming out from a position they have been driven into by the aggressiveness of the Democrats in this body? Why is it the Senator now tells us we are about to condemn a man without giving him a hearing when he has already condemned him in the provisions of this resolution. Now let me read the other one:

And whereas such leases and contracts were made in defiance of the settled policy of the Government.

And he, one of the guardians of the Government, has done something contrary to the highest and best interests of the country and in defiance of the fixed policies of the Government. He is the man whom the Senator from Maine has voted to condemn for doing that thing. Now, when we are merely asking that the Cabinet and the country be relieved of him as an official, the Senator from Maine pleads for giving him a hearing.

Mr. HALE. Mr. President—

Mr. HEFLIN. I yield to the Senator from Maine.

Mr. HALE. I think the Senator knows very well that when we voted on the question of adopting that "whereas" clause I voted against it. Some Senators who voted against it got up and explained their position, which was manifestly the position of this side of the Chamber, or the majority of the Senators on this side of the Chamber. I was very anxious to have the matter brought before the court, and the only way in which we could bring it before the court, so far as any action of ours was concerned, was to adopt the resolution, and I therefore voted for it in spite of the whereas.

Mr. REED of Missouri. Could not the President have had it brought before the court without the resolution?

Mr. HEFLIN. Certainly. The Senator from Missouri reminds me that the President of the United States had already the authority to go into court and have this whole thing investigated and prosecutions commenced, but he did not do it, and has been directed by the Senate to do it, and the House will pass the joint resolution next, I take it. Now, the Senator from Maine tells us that he was opposed to the resolution, but in order to expedite things he voted for it. Expedite what? We are trying to expedite one of these officials out of the Cabinet, and I think we are going to expedite him.

Mr. HALE. The Senator said I was opposed to the resolution. I was not opposed to the resolution. I was opposed to the preamble of the resolution. I hope the Senator will be more accurate in his statements.

Mr. HEFLIN. Mr. President, the Senator from Missouri has reminded me just now of another proposition that I had overlooked which makes it worse still for the Senator from Maine. The first whereas reads as follows:

Whereas it appears from the evidence taken by the Committee on Public Lands and Surveys of the United States Senate and certain leases of naval reserves—

And then they are set out in detail, and the whereas closes with this statement:

That Secretary Fall, of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, and the Pan-American Petroleum Co. as lessee, were executed under circumstances indicating fraud and corruption.

Mr. HALE. Nobody questions that. "Indicating fraud and corruption"—not that there was fraud and corruption.

Mr. HEFLIN. I must say that I can hardly get the Senator's viewpoint then, if he wants a man to stay in the Cabinet who has executed a contract under those circumstances.

Mr. REED of Missouri. Mr. President, I can explain that.

Mr. HEFLIN. I yield to the Senator from Missouri.

Mr. REED of Missouri. The Senator will remember that our friends on the other side of the Chamber passed a resolution a while back which read something like this: That

Whereas the election in Michigan has been held under circumstances and methods had been employed which were destructive of the Republic: Therefore be it

Resolved, That the beneficiary of this corruption shall be seated in the United States Senate.

That is the regular course.

Mr. HEFLIN. I thank the Senator for that suggestion. That is in keeping with the custom on the other side of the Chamber, it seems.

Mr. President, I am really at a loss to understand the processes of reasoning that Senators on the other side are employing when they take the position that if this thing had been done under circumstances which indicated fraud and corruption, and they have done it in violation of the laws of Congress and in defiance of the fixed policies of the Government, and, I submit, that just asking the President to invite this man to retire from the Cabinet is a mild-mannered procedure compared to what we have already said about him.

I take it that, outside of the things for which the Senator from Maine [Mr. HALE] has already voted, Mr. Denby is all right; outside of the charges, terrible as they are, which are embodied in the joint resolution which we have passed, he must be all right. I wish to read from the Washington Times of this afternoon. Senators, a grave responsibility rests upon this body. It seems that the President sits with folded arms and sealed lips. Does he intend to act? Let us see whether he does or not. The Evening Times says:

President Coolidge will not permit Secretary Edwin Denby to resign from the Cabinet under fire, it was stated to-day by those who talked with him in the last 24 hours. Neither will he accept the resignation of Attorney General Harry Daugherty at this time.

Of course, I do not blame the President for not accepting the resignations all at once, for if he did it might lose to him in a little while a majority of his Cabinet. [Laughter.]

Mr. President, here is a statement appearing in a Washington newspaper this afternoon that the President will not permit Mr. Denby to resign. Ballinger resigned. He was driven out under the force of public opinion that dashed him from a Republican Cabinet. Denby says he will not resign; the President says he will not permit him to resign. Who is Mr. Denby? A man who has executed a contract contrary to the law of Congress, in defiance of the fixed policies of the Government, and under circumstances of fraud and corruption. The Senate has already said that.

I say to Senators on the other side of the Chamber, it is an indictment against your President that will astound the Nation. Would I keep Mr. Denby in office after this judgment which has been expressed to-day by the Senate that he has been guilty of this thing? Would I issue a statement saying that I would not even permit him to resign? Mr. President, I would put him out; I would ask for his resignation.

The turn the situation has taken here indicates that Senators on the other side of the Chamber are going to defend this man. If they do, how can they, in all good conscience, tell the country that they were sincere in the action which they took this morning? If Mr. Denby is guilty of the acts set out in the resolution which has been passed to-day, he is not fit to remain in the Cabinet. If he is guilty of those acts—and the whole Senate has said that he is—he ought to be put out of the Cabinet. To whom shall we appeal in that regard? To the President. He is the Chief Executive of the Nation. We do appeal to him. We have a resolution pending here stating that we would like to have him call on Mr. Denby to resign; and yet, before the Senate can act, the newspaper reporters who have talked to him state that the President says he is not going to ask Mr. Denby to resign or even permit him to resign.

Mr. President, there are some serious things going on around this Capitol. I think when the country knows what has transpired here there will be something doing amongst the common masses of the common people. The Senator from Massachusetts [Mr. LODGE] stated this morning in his attack upon the amendment offered by the Senator from Florida [Mr. TRAMMELL] to the joint resolution then pending, that we were trying to deny this man his rights in court or a chance to be heard. I wish to remind the Senator from Massachusetts that when Mr. Fall got possession of the Teapot Dome property, with the 26,000,000 barrels of oil stored in the treasury of the hills, Mr. Sinclair wanted this thing cleaned up immediately and turned over to him. The settlers on some of the land, properly there by writ from the Government, had some rights in the premises;

they at least had the surface rights under the writ of the Government; but the Government authorities went there and drove them off. We are told that the Assistant Secretary of the Navy, Mr. Roosevelt, issued the order that sent the marines there, and that they proceeded to drive the boys off, or tried to do so.

Now let me relate to the Senate a pathetic incident. An ex-service man who had offered his life for his country was on a piece of that property. He said, "Now they are going to develop this oil, and I will build some little stores and make some money." Not so. The Sinclair Co. commenced to put up stores on this boy's land against his will and protest, for he had the surface rights. He opposed it in every way that he could; he appealed to the local authorities, and they sustained the ex-service man, who had been, as I have stated, a United States soldier in the great World War. The Sinclair Co. appealed from that decision to the Commissioner of the General Land Office at Washington, and the Commissioner of the General Land Office sustained the ex-service man.

Then the appeal went up to Mr. Fall, the then Secretary of the Interior, who was putting this thing over and indorsing the move to drive the settlers off with bayonets from the surface rights on the Teapot Dome. He did not, as the custom usually was, submit that claim to the solicitor in his department, but he himself rendered judgment on it. Turning the paper over, with his own pen he wrote on it "Reversed." So the claim of this ex-service man who had offered to die for his country was denied; he lost his rights, and moved away. I submit that to Senators on the other side when they are appealing for a man who has executed papers under circumstances where fraud and corruption were involved, who has defied the law of his country and acted contrary to the fixed policies of the Government. When they appeal for sympathy for him, I cite them to this obscure boy who was one amongst 2,000,000 who marched away with the flag and offered their all for our country. That is the measure of justice which you handed out to him.

Now, what are we going to do in this instance? I hold here a copy of the New York American of January 30 giving a story about this whole Teapot Dome proposition, from which I quote as follows:

The final verbiage of the Executive order making the oil transfer to the Interior Department was that of Assistant Secretary Roosevelt, who obtained the President's signature.

Mr. President, we have a lot of investigating to do. If we are going to run the Government of the United States in the interest of the Republican Party or in the interest of the Democratic Party the people of the United States ought to know it. I am a Democrat, and I believe with every fiber of my being in the principles of the Democratic Party, but I am not willing to overthrow the free institutions of my country for the Democratic Party, and I am not going to sit silently by and see those institutions destroyed for the benefit of Republican politics and the Republican Party. Let us let light in wherever it is entitled to go and find the truth.

Mr. PEPPER. Mr. President—

Mr. HEFLIN. I yield to the Senator from Pennsylvania.

Mr. PEPPER. Mr. President, I merely wish to inquire of the Senator whether he is not aware that the fact is that very little substantial progress was made in unearthing those indications of fraud which have led to all this debate until voluntarily one of the Roosevelt boys came and gave his testimony to the committee, acting under the advice and with the cooperation of the Assistant Secretary of the Navy? I am sure the Senator did not by anything he has just said mean to intimate that either of those men have been other than prompt to serve their country in a great emergency.

Mr. HEFLIN. Well, I think they waited rather a long time. The Senator asked me for a statement, and I must be frank with him.

Mr. PEPPER. They waited about 24 hours, I think, or less.

Mr. HEFLIN. This investigation, however, has been going on for months and months. Of course, there are some developments that came out later. I understand that one of the boys owned stock in one of the oil companies, and perhaps two of them owned such stock. One of them was Assistant Secretary of the Navy, and this newspaper says that the Executive order transferring this property was in his verbiage and that he asked the President to sign it. I do not know what the motive was back of it; I am not accusing them of being corrupt, but there is opportunity given for somebody to explain.

Mr. PEPPER. Mr. President, I think the Senator, if he will confine himself to the testimony that we have before us as to

those who are really implicated in this serious transaction, will play fairer than if he mentions in a slighting and insinuating fashion the names of men whose patriotism is untarnished and who have rendered a notable service to their country by their conduct in this matter.

Mr. HEFLIN. I appreciate that, and I commend young Archie Roosevelt for the course which he took in coming down here. I am just reciting things that have come to my knowledge in the public press and things that I know of around about the Capitol. I am just stating what transpired; I am not drawing any conclusion from it. I am merely saying the thing happened under a Republican administration, and I am just mentioning those who participated in these things, and they are Republicans. Whether they are high or low, rich or poor, is not for me to determine. I must not excuse somebody because he comes of distinguished ancestry when things that involve the very life of my country are at stake. I must do my duty and let them explain. If anything touches any of them in a tender place, it is their duty to explain it; it is not my duty to cloak anybody.

That is the situation as I conceive it to be. I repeat that I commend young Archie Roosevelt for his statement before the committee, and if his brother advised him to do that and cooperated with him, I commend him for that, although this other transaction that I have talked about does involve him. He may be able to explain that all right, and I am not charging that there is anything crooked on his part, but I do think that an explanation would not hurt.

Mr. PEPPER. Mr. President, I think that both the Senator and I labor under the disadvantage of not having been on the committee which heard the testimony.

I am sorry that the Senator from Montana [Mr. WALSH] is not in the Chamber at the moment, because he would correct me if I am wrong in the impression I have that all the members of the committee recognized that the Assistant Secretary of the Navy during the whole time that these transactions were in the course of consummation was assigned to work upon the naval personnel bill; that he had no knowledge or responsibility in connection with any of them, and that the incident to which the Senator refers was merely the carrying to the President, by the order of his chief, a certain order to be signed, without any responsibility excepting the transmittal.

If I may say so to the Senator, I speak from the recollection that I have of the testimony, which I did not hear. My only information is what I have gleaned from an examination of the hearings, but if the Senator from Montana was in the Chamber I am confident that he would confirm what I have said.

Mr. HEFLIN. Mr. President, the Senator said the only part that the Assistant Secretary of the Navy, Mr. Roosevelt, had was in transmitting this order. He did not catch correctly the reading of this article—that the final verbiage of the Executive order making the oil transfers to the Interior Department was that of Assistant Secretary Roosevelt, who obtained the President's signature.

I am not going to let things like that go by. Why should I? We are commenting on a Secretary of the Interior. We are now asking that the Secretary of the Navy be removed, and why should I overlook things like that, when a great newspaper in the country says that the order was in the verbiage of the Assistant Secretary of the Navy, and that he procured the name of the President to it?

Mr. PEPPER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield further to the Senator from Pennsylvania?

Mr. HEFLIN. I yield to the Senator.

Mr. PEPPER. The Senator misapprehends my point. I merely wish to suggest to the Senator that the Assistant Secretary of the Navy did in fact appear before the committee and did explain the matter, and, as I am informed, entirely to the satisfaction of the committee.

Mr. HEFLIN. I will state very frankly to the Senator that I have not seen his testimony.

Mr. PEPPER. That was the point I was making.

Mr. HALE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Maine?

Mr. HEFLIN. I yield to the Senator.

Mr. HALE. I should like to say, in regard to that Executive order and Colonel Roosevelt's connection with it, that my understanding is that Colonel Roosevelt did go over the Executive order and did insist on a certain change being made in the Executive order; and that was to provide that the Navy Department should have the final say in any transaction that should be taken up under the order, and preventing the Interior

Department from going ahead without the consent of the Navy Department. Therefore he strengthened the order as far as the Navy Department was concerned.

Mr. HEFLIN. And the Navy Department lost its voice and never did say. Is that the situation?

Mr. HALE. That has nothing to do with what Colonel Roosevelt did. I think everyone will agree that his action in the matter was extremely meritorious.

Mr. HEFLIN. Mr. President, he may be able to explain all that satisfactorily. I have not connected him up with any crooked doings. I can understand how the Secretary of the Navy might say to him, "Take this to the President." I am just reading from the press about who did it, and what the press says about the verbiage, and all that, because it is my duty to go into this matter whole-heartedly, not to shield anybody or set anybody aside; and I think if I were involved at all by the slightest charge I would want an opportunity to come out and show that my hands were clean.

Mr. LODGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. HEFLIN. I yield to the Senator from Massachusetts.

Mr. LODGE. If the Senator is going into it whole-heartedly, why does he not read the testimony taken by the committee?

Mr. HEFLIN. I confess, Mr. President, that I have not had time to go into all the testimony.

Mr. LODGE. Why take a newspaper statement, when all the statements about Colonel Roosevelt are already in the testimony?

Mr. HEFLIN. I submit that if I did not take some of my information from the newspapers and waited for Republican Senators to give it to me, I never would get any.

Mr. LODGE. I can easily believe that the Senator would have no information unless he read the newspapers.

Mr. HEFLIN. I read this one, and it looks as though it has stirred up a hornet's nest on the other side.

Mr. President, I will give my impression of this thing. I think Senators ought to do that. The impression that has come to me is: This hearing being dragged along for weeks and months, the Senator from Montana [Mr. WALSH] fighting in the front and leading the way. I think maybe some of the Republican Senators on the committee did not think that anything of a serious nature was going to be uncovered, and that finally—now, this is just between us—when they got ready to make a report there would be nothing discovered or brought out of a startling nature, and then they would say: "Why, we stood back and let a Democrat take the lead. This is a unanimous report, written by a Democrat. Farewell, Mr. Sinclair! Good luck to you, Brother Doheny! You each got a hundred million dollars' worth of oil. It was a nice, smooth piece of work." But the Senator from Montana has moved; he has led this fight heroically; he has dug in here, brought out things that astounded the Nation, and the situation that we have here to-day is the result of the activities of the junior Senator from Arkansas [Mr. CARAWAY]. He conferred with me before he introduced the joint resolution—and I agreed with him that it ought to be introduced—to cancel these naval oil contracts outright.

Why, Senators know that if that had not precipitated this fight, we would not have passed that joint resolution to-day. Of course, I want the history of this thing to be accurately written. We would not have been here debating this question for four or five days. The Nation would have been waiting in impatience for a hearing to be finished that would have dragged on, in my judgment, beyond the November elections. If there is anything on this earth that a Republican dreads when he is running, it is a disclosure of this kind just before the election.

The Senator from Florida [Mr. FLETCHER] made a splendid suggestion here this afternoon, that public officials ought not to be satisfied with doing things and "getting by" and keeping out of the penitentiary. A public official, honored by position in this Government, ought to be jealous of the office that he holds and the honor that he is supposed to have, and he ought to guard faithfully the interests placed under his control, and he ought not to listen to one suggestion of squandering the property of the people intrusted to his care. We have said by this resolution that these men squandered this property under circumstances of fraud and corruption. No public official ought to do things in defiance of the law of this country, and yet we have set out in that resolution that these two men, Denby and Fall, have done that. No one should do anything in defiance of the established custom of the land, and yet we have charged in the joint resolution that we have passed to-day that both of them did that. Now, as night comes on, we are confronted with this situation in the Nation: A Secretary of the Navy who

is thus characterized by a joint resolution of the greatest law-making body in the world says "I will not resign," and the President of the United States says "I will not permit him to resign."

What is the situation, Mr. President? He has done an act which was born in fraud and corruption. He has done an act that defies the established custom of the Government. He has done an act that violates the law of the Congress of the country, and you are hugging him to your bosoms and you are saying that you will not permit him to go out.

Why, Senators, you can not escape the judgment of the people that the President is holding this man in office if this statement is true. If he holds him in office, can he escape a part of the damaging reflections that come from these disclosures?

I can not act. If I could, I would remove him this afternoon. There are others in the Senate who would remove him. We have to wait for the President to remove him, however; and the President says, "I am not going to remove him." If the President did not say that, let some administration Senator on the other side rise and say so now; and I pause for a reply.

Mr. MOSES. Mr. President—

Mr. HEFLIN. I yield to the Senator.

Mr. MOSES. Disclaiming any right to speak for the administration in anything, may I ask the Senator if he has any authority for the statement he has been making with reference to the President, save that of an anonymous article in a newspaper?

Mr. HEFLIN. An anonymous article? It is in the Washington Times. I want to say to the Senator that if that charge had been made against a Democratic President and I were undertaking to defend him, while the Senator was making that speech I would have looked into the situation and would have been ready to reply. This is not an anonymous article. It is written by Kenneth Clark. I know the Senator can read, and he ought to have discovered that.

Mr. MOSES. I am not acquainted with the writer. Is the Senator acquainted with him?

Mr. HEFLIN. I have known of the boy; yes.

Mr. MOSES. Does the Senator know the writer's source of information?

Mr. HEFLIN. No; I do not know that. The Senator sits down with a look of complete satisfaction upon his countenance. [Laughter in the galleries.]

Mr. President, Senators can not hide in that fashion from a serious situation like this. Why, I have been speaking for 20 or 25 minutes or more, and I stated this in the outset. Why did not the Senator call up the White House and get the information, and be able to rise in his place and say to me, "I have just conferred with the White House, and there is no truth in the statement"? Why does he not do that now? I will speak long enough to give him time to do that yet. [Laughter in the galleries.]

Mr. Kenneth Clark is not an anonymous writer. He is a human being, a newspaper man, a reputable young man, and writing for a paper that is rather popular in this city; and this paper comes right out in the Capital, under the nose of the President, and says that the President stated these things to people who have talked with him. Before the Senator from New Hampshire undertakes to cast reflections upon a newspaper man working for his livelihood in this great city—

Mr. MOSES. Mr. President—

Mr. HEFLIN. Let him challenge the truthfulness of the statement made.

Mr. McKELLAR and Mr. MOSES addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. HEFLIN. I yield first to the Senator from Tennessee.

Mr. McKELLAR. I was just going to suggest that Mr. Clark is in the gallery now listening to this debate.

Mr. HEFLIN. I am glad that he saw the complacent expression on the face of the Senator from New Hampshire.

Mr. MOSES. Mr. President, I have sought to cast no reflection upon any member of a profession to which I myself belonged for many years; but it is manifestly impossible for the President or for anybody who may seek to speak for the President—and I do not do that—to deny every story that may be printed about him, every rumor that may be put in circulation about him. I call to the Senator's attention a saying of Lincoln, who wrote: "If I attempted to read, much less answer, every attack upon me, this shop might just as well be closed for all other business."

Mr. HEFLIN. Mr. President, that statement was good in Lincoln's time—

Mr. MOSES. It is good now.

Mr. HEFLIN. But it does not answer the indictment that stands against Republican officials this afternoon. The Senator says he has been in the newspaper business. Evidently he did not learn all that was to be learned about it, because he does not seem to know an anonymous article from one that is properly signed.

Mr. MOSES. Oh, no. I asked the Senator a question, and I do not want the Senator to put words in my mouth, Mr. President. I asked him if it was an anonymous article. Now, the Senator has named the author of it. Undoubtedly the author of it will give the information to the Senator or to his paper to-morrow. I do not know whether the President said this or not. I do not know who gave the information. The President of the United States, I understand, is never to be quoted, but evidently somebody attempts to quote him.

Mr. HEFLIN. Before the Senator sits down now, if the President is correctly quoted, will the Senator go with us in trying to get rid of Mr. Denby or will he stand by the President?

Mr. MOSES. Mr. President, if the Senator will ever cease taking time on the floor and take time to read the testimony, I probably might claim the floor in my own right for about five minutes to say what I will do about this resolution.

Mr. HEFLIN. I would like to have the Senator just say yes or no.

Mr. MOSES. Does the Senator yield to me?

Mr. HEFLIN. I will yield to the Senator just to make an answer. I do not want to yield the floor, because I know nothing would please the Senator more than for me to yield the floor.

Mr. MOSES. If the Senator will yield to me—

The PRESIDENT pro tempore. The Chair will announce that if the Senator from Alabama yields to the Senator from New Hampshire to make a speech, he will yield the floor.

Mr. HEFLIN. That is what I thought, Mr. President, and I know that the Senator from New Hampshire must want me to go on with my speech, and I will proceed.

This is not any time like that to which Mr. Lincoln referred when he said that, "If I had to stop and pay attention to every little rumor afloat, I would have to close shop." There never has been a bigger question involved in the Government's history that I know anything about than that of unfaithfulness and unfitness on the part of Cabinet officers who are supposed to have in charge the conduct of the Federal Government. The Government was instituted for the welfare of the citizen. That is the end and the aim of constitutional government. We set this Government up for that purpose, and I have been sent here by the people of my State, as other Senators have by their States, to do what? To safeguard the interests of those who can not come here, to sustain men who are honest, men of rigid integrity and honor in office, and to drive from power those who have proven themselves to be unfaithful to public trust. I conceive that to be my office, in a word, and I am trying to fulfill it.

Why should I not discuss this situation from every angle while this resolution is pending? I call attention to the fact that the Secretary of the Navy has announced that he will not resign. That statement, in a newspaper report, was read here on the floor. I have not heard anybody criticizing the press for printing that; but now, when I come and read a statement from the press that the President says he is not going to accept the resignation of the Secretary of the Navy, it is a serious thing. The Senator from New Hampshire undertakes to evade and dodge by saying, "Oh, well, it is just a newspaper article, and I do not know whether it is true or not."

Mr. MOSES. Mr. President—

Mr. HEFLIN. I repeat, if I were making a fight here for a Democratic President, and he should be quoted, I would call up the White House myself and ask whether these things were true or not, and I then would be able to come back on the floor and say, "The President says he has authorized nobody to say anything of the sort, that he has not said anything of the sort, and he does not hold to such a view." Why not? This is a government of the people. We do not have to account to any king. We are the representatives of a sovereign people, supposed to be going after the truth, the whole truth, and nothing but the truth. If this thing discloses the truth, that we have a Cabinet officer who defies the Congress and the country and says he will not resign, and the Chief Executive comes out and says he will not even accept his resignation, God knows we are at present in a deplorable condition in this Government to-night.

Mr. President, I have just gotten hold of the hearings in the House. I tried to get them yesterday, but could not.

Mr. Fall went before the House committee and favored the passage of a bill that would turn over to the Interior Department 20,000,000 acres of forest reserves in Alaska, and stated that he had had a lot of experience in handling property like that. Since I have seen how expert he was in oil matters, I admit he would have been a smooth artist and expert in this other. Twenty million acres of the Nation's forest reserves!

Now what have we? There was an effort to get hold of the forest reserves for the Interior Department by Mr. Fall. What was he going to do with it? He appeared in behalf of another bill that instructed the Shipping Board to turn over ships big enough to haul certain material out of Alaska. So he was not only going to get the forest reserves of 20,000,000 acres of the finest timber in the world, but he was going to make the Shipping Board supply ships to haul out the lumber to be disposed of. Not content with having squandered the oil domain, he was after the timber lands of the Government and wanted the Government to furnish the vehicles to haul this stuff away as they sold it to the lumber kings of the Nation.

The able Senator from Florida [Mr. FLETCHER] has told us—and I have referred to this here once before—that Ballinger squandered the coal domain under one Republican administration, and when that administration came up for reelection it carried only two States in the Union, Utah and Vermont.

They tell a story that Senator JIM WATSON got off on Mr. Taft. They said he was in the White House talking to Mr. Taft and word came in that Senator SMOOT was outside and wanted to see the President. JIM WATSON laughed and remarked to Mr. Taft: "Think of it. There is REED SMOOT out there walking around with your whole electoral vote in his vest pocket." Mr. Taft carried two States. He went in by more than a million majority and went out by unanimous consent.

Mr. President, this administration is "weighed in the balance and found wanting." The American people are calling it to judgment. No quibbling, no dodging about anonymous newspaper articles, or a long time ago inappropriate quotation from the martyred Lincoln will get Republican Senators away from the mighty shafts of truth and justice that are flying in the direction of the strongholds of the Republican Party.

"Weighed in the balance and found wanting." That is the judgment that is going to be written against you. I do not care what party it is; if a party is found guilty of such conduct as we have shown in this case, the party ought to be held responsible. It will be held responsible.

Mr. MOSES. Mr. President—

Mr. HEFLIN. Now, Mr. President, does the Senator want me to yield to him?

Mr. MOSES. No.

Mr. HEFLIN. Nothing would please me more. To-day when the Senator from New York [Mr. COPELAND], in his very able and splendid speech, said that public office was supposed to be a public trust, I thought of what Grover Cleveland said about another thing. He is supposed to be the author of the statement that a "Public office is a public trust." He said another thing which has been ringing in my head since this investigation commenced, since these marvelous disclosures have come to light, and that was that "The Republican Party is held together by the cohesive power of public plunder."

That is the truth. The Republican Party as it exists to-day would be repudiated by Lincoln. If he could come back to earth and see Fall and Denby, with Denby's defiance streaming across a scroll, as he, waving it to the Nation and in the face of the President, saying, "I will not resign," and the President's statement, "I will not permit you to resign," after the Senate has condemned him of doing that which was a crime, something born in fraud and corruption, Lincoln would drive you out of control at the Capitol as Christ drove the money changers out of the temple at Jerusalem.

Mr. President, I said in my speech the other day, and I am going to repeat, I want the President of the United States to name the Democratic officials involved in this thing. I assert that there are no Democratic officials involved. Mr. Doheny was, it is said, once a Democrat. Mr. Sinclair may have been at one time a Democrat, but both of them, walking in this graft-charged atmosphere of the Nation's Capital, each hugging to his bosom \$100,000,000 worth of the Government's oil, has come out and said he is for President Coolidge for election to the office of President. Who are the Democrats involved? The Democratic Party is as free of this as the angels are. The Democratic Party is striving, according to its ancient custom, to push those out of place and power who have

been guilty of wrongdoing, betrayed their trust, and done things hurtful to the interests of the American people.

I do not know of anything that will be so appropriate for a campaign battle cry as "Turn the rascals out." Let us have a house cleaning in Washington. Go with me and let us pull the curtain aside and look into the Veterans' Bureau, where thousands upon hundreds of thousands of dollars were made out of fraudulent transactions at the expense of the boys of the country and the Government. As I said the other day, one man I am told said, "I defy him to indict me," talking about the Attorney General.

Go into the Post Office Department. I am going to undertake to show that the fraudulent use of the mail has been permitted, and that an investigation of the most gigantic land fraud ever perpetrated was carried on, but no final report was made in the case, and no prosecution of any was had, except of one man.

Go into the Navy Department. There you have a Secretary of the Navy who is supposed to safeguard the fuel of the Navy, our national defense, and he has passed it over to the Interior Department, to another Republican official. What has he done with it? He has transferred it, and it has gone into the hands of two oil kings of the Nation.

Then, I ask, where is the Government's oil supply? Gone. It all is gone. Gone how? By the manipulation of Republican officials. What did the Senate say about it? That the transaction was born in fraud and corruption and was carried out in defiance of the established customs of the Government and in open violation of the country's law.

Mr. President, I am not going to take more time of the Senate this afternoon, but this Government has to be relieved. Senators, with all the earnestness of my soul, I appeal for deliverance from conditions which are now upon us.

I recall what Paul said: "Who will deliver me from the body of this death?"—this death of corruption and scandal in the Nation, tied onto the body politic, in the freest, best people in the world.

Senators, I summon you to the conflict. Let us fight together, regardless of parties, to drive unworthy and unfaithful officials from control in the land that we love.

Mr. MOSES obtained the floor.

Mr. REED of Missouri. Mr. President, will the Senator from New Hampshire yield to me for a moment?

Mr. MOSES. I yield.

Mr. REED of Missouri. I had intended to say something regarding this matter this afternoon. The day is practically gone, and I shall ask the attention of the Senate to-morrow on convening, but there is a matter to which I want to call attention to-night.

I understand that Mr. Doheny is still in town and that he is about to leave. Before he leaves this city I want to ask the committee to give him a thorough examination. I want to ask the committee, by direct and pointed questions, to inquire from Mr. Doheny whether he has ever at any time, either by himself directly, through his agents, or through his corporation, given or contributed any money to any person at the time holding a public position, and who the person is, or whether he has, immediately or shortly after discontinuance in office of any such public official, in the manner I have already specified, contributed or given any money to him.

I do not know where this inquiry will lead, but in view of the challenge that has been made, and properly made, by the Senator from Alabama [Mr. HEFLIN], and in view of the statements made yesterday by a Senator, that former Secretary Fall is being made a scapegoat. I think that Mr. Doheny ought not to be allowed to leave the jurisdiction of the committee without being subjected to a searching examination along the lines I have indicated. As one Senator, I respectfully request and demand that that be done, and in doing this I am in no manner reflecting upon the committee. I want to say to its chairman that I have taken no part in criticism of the committee, and I do not do so now.

Mr. LENROOT. Mr. President, will the Senator from New Hampshire yield to me for a moment?

Mr. MOSES. I yield.

Mr. LENROOT. May I say, as chairman of the committee, that the chairman has not been informed whether Mr. Doheny will appear before the committee or not, but in view of the request of the Senator from Missouri, a subpoena will be immediately issued for the attendance of Mr. Doheny before the committee, and the chairman will assure the Senator from Missouri that if no one else asks the questions he desires, the chairman will do so.

Mr. REED of Missouri. I thank the Senator.

Mr. LODGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Massachusetts?

Mr. MOSES. If the Senator wishes to move to adjourn I can not yield. I wish to address the Senate briefly.

Mr. LODGE. The Senator is very hasty in saying what I mean to do. If I could get the floor I was going to move that the Senate proceed to the consideration of executive business.

Mr. MOSES. I can not yield for that purpose either, Mr. President. Will the Senator withhold the motion for a moment?

Mr. LODGE. I withhold the motion.

Mr. MOSES. Mr. President, I have taken no time of the Senate in the course of this week's discussion. I had hoped we might dispose of all the resolutions to-day, but the waning day brings a waning hope. The trend of the discussion is perfectly evident. It is evident not only here in the Chamber but elsewhere. It has attracted the attention of the newspapers of which the Senator from Alabama [Mr. HEFLIN] is so fond and to which he so frequently refers.

I ask leave, by unanimous consent, to insert at this point as a portion of my remarks an editorial which appeared in this morning's issue of the New York Herald.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

The editorial is as follows:

JUSTICE WANTED, NOT POLITICS.

While irresponsible politicians rave, every act of President Coolidge's confirms public confidence in him. His choice of T. W. Gregory and Silas Strawn to direct the oil inquiry is admirable. It shows that the right course will be pursued with energy and impartiality. One is a Democrat, one a Republican. The President thinks of Mr. Gregory as a former Attorney General in Mr. Wilson's Cabinet experienced in public prosecution, and of Mr. Strawn as one of the ablest lawyers outside official life. This inquiry he regards not as a matter connected with party but as a great national task of house cleaning. The two men are ready to act without delay and will have funds and legal assistance in abundance.

By contrast we have the spectacle in Washington of men trying to give the inquiry a wrong course, drag it into the slough of party politics, and substitute lynching for justice. The Robinson resolution demanding the instant resignation of Secretary Denby is the most glaring evidence of these tactics. Equally unworthy are the efforts to make the President appear guilty of negligence. Senator LENROOT, attacking this cheap politics in fitting terms, showed that Mr. Coolidge was alert to the situation from the first hint of fraud and while his critics were laying their selfish schemes was planning to protect the Nation.

The American tradition is not to prejudge a case, yet that is what some politicians are trying to do. The country already feels justified in drawing certain clear-cut conclusions. One is that Mr. Fall has committed such gross improprieties, if not acts really criminal, that his reputation is ruined. If he were in office he would be removed at once. Another justifiable inference is that the leases stand suspect and should be canceled unless the suspicion is removed. But we have no evidence that offers a ground for demanding Mr. Denby's resignation under fire, and to ask him to leave without a hearing is indefensible.

If there were reason to believe that Mr. Denby or other active officials of the Navy or Interior Department were guilty of actual malfeasance, the public would not want resignations but impeachments.

Mr. MOSES. I wish to speak for the moment only of the concluding paragraph of the editorial, which reads thus:

If there were reason to believe that Mr. Denby or other active officials of the Navy or Interior Departments were guilty of actual malfeasance, the public would not want resignations, but impeachments.

That comment leads me to remark in connection with the resolution now pending that there are but two occasions in the official career of a Cabinet officer when the Senate can touch him, once when his name comes before us for confirmation and once when articles of impeachment drawn at the other end of the Capitol are submitted to us sitting as a court.

If the Secretary of the Navy, by his conduct in 1910 and 1911 in assisting in conducting an investigation into the action of the then Secretary of the Interior and signing a report exonerating that official, had so created for himself a record as to render him unfit to serve in the Cabinet of the President, the time to have raised that question was when Mr. Denby's name came to us on the afternoon of the 4th of March, 1921, and the Senator from Florida [Mr. FLETCHER], whose purposes I do not impugn, whose integrity I well know, and whose diligence as a Senator I have come to be fully aware of in the course of committee service with him, was neglectful then if he did not call this to the attention of the Senate.

Mr. President, there is no purpose, as I believe, behind anything that now goes on other than a political purpose. We can not make Cabinets here. We can not unmake Cabinet ministers here. That is the function of the President. He does not have to take any unsolicited advice which we give him. It is his function to select, it is his function to dismiss. It is our function only to confirm or impeach his Cabinet members.

Mr. President, the only phase of this question with which the Senate could properly deal under those institutions of the Nation which the Senator from Alabama so orotundly says he stands here to defend, under the institutions of the country and of the Constitution by which we serve, we have done everything possible when we take the charges in connection with the Teapot Dome leases and the contract thereunder, the leases of the oil reserves in California and the contracts thereunder, out of the partisan and miasmatic air of this Chamber and send them into the pure and chill atmosphere of the judicial chamber. There the question will be determined upon its merits and under the law, but here the man hunt will go on. Here we shall continue to find the partisan pack in full bay—Blanche, Tray, and Sweetheart all hot upon the scent. Here I suppose we shall continue to see and the country will not fail to take notice of a proceeding in which we find sick chambers invaded by a jazz band, a ghoully dance performed in a cemetery, and partisan snipers making a rifle pit of the grave of Warren Harding.

Mr. LODGE. Mr. President—

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. HEFLIN. Mr. President, will the Senator permit me to say a word in reply?

Mr. LODGE. I think the Senator has had a pretty good show to-day.

Mr. HEFLIN. But the last statement of the Senator from New Hampshire was something about trying to drag in a dead President.

Mr. LODGE. I think we had better let the dead alone. I move that the Senate proceed to the consideration of executive business.

Mr. HEFLIN. I shall speak to-morrow upon this subject. The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

ERECTION OF STATUE PERSONIFYING "SERENITY."

Mr. PEPPER. From the Committee on the Library I report back favorably without amendment the joint resolution (S. J. Res. 57) authorizing the erection on public grounds in the District of Columbia of a statue by Jose Clara personifying "Serenity." I ask unanimous consent for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and is hereby, authorized and directed to select a suitable site and to grant permission to Charles Deering for the erection, as a gift to the people of the United States, on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, the Mall, and White House, of a Carrara marble statue of "Serenity," by Jose Clara: Provided, That the site chosen and the design of the memorial shall be approved by the Joint Committee on the Library, with the advice of the Commission of Fine Arts, that it shall be erected under the supervision of the Chief of Engineers, and that the United States shall be put to no expense in or by the erection of the statue.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 1, 1924, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 31 (legislative day of January 28), 1924.

MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

Jerome O. Christie, of Illinois, to be a member of the Mississippi River Commission, provided for by the act of Congress approved June 28, 1879, vice Edward A. Glenn, resigned.

POSTMASTERS.

ALABAMA.

Robert O. Atkins to be postmaster at Heflin, Ala., in place of H. P. McMurray, resigned.

William A. Armistead to be postmaster at Searles, Ala., in place of N. L. Brady, resigned.

Samuel B. Wininger to be postmaster at Pisgah, Ala. Office became presidential October 1, 1923.

Culvert M. Hillis to be postmaster at Athens, Ala., in place of R. M. Rawls. Incumbent's commission expires February 11, 1924.

ARKANSAS.

Warren P. Downing to be postmaster at Weiner, Ark. Office became presidential January 1, 1924.

John W. Seaton to be postmaster at Luxora, Ark., in place of L. B. Bonds. Incumbent's commission expired August 5, 1923.

CALIFORNIA.

Florence E. Cornelius to be postmaster at Piru, Calif. Office became presidential January 1, 1924.

Nelson S. Dilworth to be postmaster at Hemet, Calif., in place of J. E. King. Incumbent's commission expires February 11, 1924.

Olive McDonald to be postmaster at North Fork, Calif. Office became presidential April 1, 1923.

Lew E. Wickes to be postmaster at Castella, Calif. Office became presidential April 1, 1923.

COLORADO.

Elias Wenger to be postmaster at Eckert, Colo. Office became presidential April 1, 1923.

CONNECTICUT.

Judson B. Griswold to be postmaster at Ivoryton, Conn., in place of J. B. Griswold. Incumbent's commission expired September 5, 1922.

Louis J. A. Stefon to be postmaster at Baltic, Conn., in place of H. H. Burr. Incumbent's commission expired December 6, 1922.

Frank D. Stanton to be postmaster at Stonington, Conn., in place of J. F. Leahy. Incumbent's commission expired August 1, 1923.

ILLINOIS.

Daisy A. Rome to be postmaster at Fisher, Ill., in place of F. E. Roles, resigned.

INDIANA.

La Fayette H. Ribble to be postmaster at Fairmount, Ind., in place of M. A. Walpole, resigned.

Joseph W. Morrow to be postmaster at Charlestown, Ind., in place of J. B. James. Incumbent's commission expired January 23, 1924.

Jesse Downen to be postmaster at Carbon, Ind., in place of John McIntyre. Incumbent's commission expired January 23, 1924.

Harry T. Thompson to be postmaster at Lebanon, Ind., in place of John Huber. Incumbent's commission expired January 23, 1924.

KANSAS.

Margaret E. Michael to be postmaster at Cullison, Kans. Office became presidential January 1, 1923.

James P. Kelley to be postmaster at White Cloud, Kans., in place of J. P. Kelley. Incumbent's commission expired January 23, 1924.

James M. Lear to be postmaster at Mound Valley, Kans., in place of C. L. Hinds. Incumbent's commission expired January 23, 1924.

KENTUCKY.

Verner A. O. Gabany to be postmaster at Elsiecoal, Ky. Office became presidential January 1, 1924.

Mattie R. Tichenor to be postmaster at Centertown, Ky. Office became presidential April 1, 1923.

LOUISIANA.

Teakle W. Dardenne to be postmaster at Plaquemine, La., in place of T. W. Dardenne. Incumbent's commission expired January 23, 1924.

MAINE.

William Osborne, jr., to be postmaster at Danforth, Me., in place of A. P. Stinchfield. Incumbent's commission expired August 15, 1923.

MASSACHUSETTS.

Carroll L. Bessom to be postmaster at Mansfield, Mass., in place of C. L. Bessom. Incumbent's commission expires February 4, 1924.

Frank W. Philbrick to be postmaster at Lancaster, Mass., in place of F. W. Philbrick. Incumbent's commission expires February 4, 1924.

MICHIGAN.

William A. Stroebe to be postmaster at East Jordan, Mich., in place of C. H. Hudkins, removed.

Ruth A. Atyeo to be postmaster at Belleville, Mich., in place of W. A. Atyeo. Incumbent's commission expired July 28, 1923.

MINNESOTA.

Egbert J. Hasbrouck to be postmaster at Graceville, Minn., in place of W. P. Cody. Incumbent's commission expired August 20, 1923.

Christ Bottge to be postmaster at Correll, Minn. Office became presidential January 1, 1924.

George Newmann to be postmaster at Osseo, Minn., in place of George Newmann. Incumbent's commission expired July 28, 1923.

Maurice P. Zeien to be postmaster at North Branch, Minn., in place of Thomas Zelen. Incumbent's commission expired July 28, 1923.

MISSISSIPPI.

James C. Ellis to be postmaster at Bucatunna, Miss. Office became presidential October 1, 1923.

John W. Crane to be postmaster at Blue Springs, Miss. Office became presidential October 1, 1923.

MISSOURI.

Arthur Darby to be postmaster at Urbana, Mo. Office became presidential October 1, 1923.

Hattie M. Sandefur to be postmaster at Holland, Mo. Office became presidential April 1, 1923.

L. Tom Wilder to be postmaster at St. Genevieve, Mo., in place of L. P. Kern. Incumbent's commission expired August 12, 1923.

Thomas W. Box to be postmaster at Lamar, Mo., in place of Arthur Aull. Incumbent's commission expired January 23, 1924.

William T. Robinson to be postmaster at La Plata, Mo., in place of W. H. Johnson. Incumbent's commission expired January 23, 1924.

NEBRASKA.

Daniel C. Leach to be postmaster at Bayard, Nebr., in place of W. W. Miller, resigned.

NEW JERSEY.

Elizabeth D. McGarrey to be postmaster at Laurel Springs, N. J., in place of C. J. Draude, resigned.

Walter C. Joseph to be postmaster at Delair, N. J. Office became presidential January 1, 1924.

NEW YORK.

Mernie Daniels to be postmaster at Oswegatchie, N. Y., in place of M. A. Scruton, resigned.

William R. Fitch to be postmaster at West Winfield, N. Y., in place of Thomas Smith. Incumbent's commission expired August 5, 1923.

Walter W. Tilley to be postmaster at Theresa, N. Y., in place of E. J. Stratton. Incumbent's commission expired August 5, 1923.

Asa C. Rowland to be postmaster at Salamanca, N. Y., in place of A. C. Rowland. Incumbent's commission expires February 4, 1924.

Laurance C. Baker to be postmaster at Comstock, N. Y. Office became presidential October 1, 1923.

Charles W. Dunn to be postmaster at Calcium, N. Y. Office became presidential October 1, 1922.

Francesca di M. Spaulding to be postmaster at Piermont, N. Y., in place of Thomas Clougher. Incumbent's commission expired January 31, 1924.

George M. Durey to be postmaster at Johnstown, N. Y., in place of G. M. Durey. Incumbent's commission expired January 31, 1924.

NORTH CAROLINA.

Peter P. W. Plyler to be postmaster at Monroe, N. C., in place of E. C. Winchester. Incumbent's commission expired September 5, 1922.

NORTH DAKOTA.

Edward P. Starr to be postmaster at Tower City, N. Dak., in place of E. P. Starr. Incumbent's commission expired January 23, 1924.

Redmond A. Bolton to be postmaster at Jamestown, N. Dak., in place of R. A. Bolton. Incumbent's commission expired January 23, 1924.

Don E. DeLa to be postmaster at Hettinger, N. Dak., in place of G. D. Tripp. Incumbent's commission expired January 23, 1924.

Ethel M. Anderson to be postmaster at Bowman, N. Dak., in place of M. C. Elgar. Incumbent's commission expired January 23, 1924.

Henry C. Wiedow to be postmaster at Golya, N. Dak. Office became presidential January 1, 1924.

Orna F. Leedy to be postmaster at Goodrich, N. Dak., in place of O. F. Leedy. Incumbent's commission expired January 23, 1924.

Marie Toenberg to be postmaster at Alexander, N. Dak., in place of J. H. Fallon. Incumbent's commission expired January 23, 1924.

OHIO.

E. Victor Geer to be postmaster at Orwell, Ohio, in place of Roy Goddard, resigned.

Leonard H. Kelly to be postmaster at Mount Vernon, Ohio, in place of Franklin Harper, deceased.

Robert B. Birdsall to be postmaster at Hicksville, Ohio, in place of J. E. Mercer. Incumbent's commission expired August 5, 1923.

Albert B. DeKay to be postmaster at Defiance, Ohio, in place of H. A. Spangler. Incumbent's commission expired August 5, 1923.

Walter L. Peet to be postmaster at Leetonia, Ohio, in place of H. D. Weaver, deceased.

Nathan R. Rothgeb to be postmaster at Cheshire, Ohio. Office became presidential January 1, 1924.

Margaret A. Brooks to be postmaster at Yorkville, Ohio, in place of A. M. Tesl. Incumbent's commission expired August 5, 1923.

Rodney Barnes to be postmaster at St. Clairsville, Ohio, in place of R. S. Ryan. Incumbent's commission expired September 23, 1923.

OKLAHOMA.

Frank A. Smith to be postmaster at Byars, Okla., in place of B. R. Harrison, resigned.

Francis T. Laster to be postmaster at Asher, Okla. Office became presidential January 1, 1924.

Jesse C. Rhodes to be postmaster at Porum, Okla., in place of T. E. Futrell. Incumbent's commission expired January 28, 1924.

Arthur D. Hartley to be postmaster at Cardin, Okla., in place of G. C. Fulton. Incumbent's commission expired January 28, 1924.

PENNSYLVANIA.

Newton E. Arnold to be postmaster at Roslyn, Pa. Office became presidential January 1, 1924.

John C. McConnell to be postmaster at Essington, Pa. Office became presidential January 1, 1921.

Raymond M. Rahn to be postmaster at Enola, Pa. Office became presidential January 1, 1924.

Hiram G. Johnson to be postmaster at Oil City, Pa., in place of E. S. Laughlin, resigned.

Lemuel N. Ammon to be postmaster at Gap, Pa., in place of Adam Wise, deceased.

John T. Painter to be postmaster at Greensburg, Pa., in place of J. T. Painter. Incumbent's commission expires February 4, 1924.

Milton E. Birchard to be postmaster at Montrose, Pa., in place of O. W. Chase, resigned.

Ray K. Garman to be postmaster at Lemoyne, Pa., in place of G. A. Leach, resigned.

Clyde S. McNeely to be postmaster at Dauphin, Pa. Office became presidential January 1, 1924.

John N. Sharpsteen to be postmaster at Honesdale, Pa., in place of J. N. Sharpsteen. Incumbent's commission expired August 5, 1923.

Edgar M. Chelgren to be postmaster at Grampan, Pa., in place of D. J. Bonsall. Incumbent's commission expired August 29, 1923.

SOUTH CAROLINA.

John A. Chase to be postmaster at Florence, S. C., in place of J. A. Chase. Incumbent's commission expired August 5, 1923.

John C. Graham to be postmaster at McColl, S. C., in place of J. L. Bunch, resigned.

SOUTH DAKOTA.

Mary J. Graves to be postmaster at Interior, S. Dak. Office became presidential January 1, 1924.

Rose B. Flahart to be postmaster at White Lake, S. Dak., in place of R. B. Flahart. Incumbent's commission expired July 28, 1923.

Ola S. Opheim to be postmaster at Sisseton, S. Dak., in place of P. J. Linster. Incumbent's commission expired January 23, 1924.

William Kayser to be postmaster at Parkston, S. Dak., in place of W. H. Fergen. Incumbent's commission expired January 23, 1924.

Ralph L. Hazen to be postmaster at Canistota, S. Dak., in place of M. A. Hazen. Incumbent's commission expired January 23, 1924.

Robert Abel to be postmaster at Selby, S. Dak., in place of Arthur Griffin, resigned.

Sylvester Eisenman to be postmaster at Marty, S. Dak. Office became presidential January 1, 1924.

Charles G. Kuentzel to be postmaster at White Rock, S. Dak., in place of C. G. Kuentzel. Incumbent's commission expired January 23, 1924.

Florence Holden to be postmaster at Lake Andes, S. Dak., in place of W. R. Russell. Incumbent's commission expired January 23, 1924.

TENNESSEE.

Samuel P. Raulston to be postmaster at Jasper, Tenn., in place of Aileen Pope. Incumbent's commission expired January 23, 1924.

TEXAS.

Carl H. Rucker to be postmaster at Nevada, Tex., in place of W. H. Rucker, deceased.

M. Ardella Grant to be postmaster at Goose Creek, Tex., in place of E. C. Slaughter, removed.

Maggie P. Rhew to be postmaster at Anderson, Tex., in place of A. M. Bridges, deceased.

Charles A. Quails to be postmaster at Post, Tex., in place of G. A. Barnett. Incumbent's commission expired July 28, 1923.

Corban J. Lewis to be postmaster at Eddy, Tex., in place of J. F. Coffey. Incumbent's commission expired October 24, 1922.

Eugene Webb to be postmaster at Corrigan, Tex., in place of M. A. Walker, resigned.

Neeley R. Vaught to be postmaster at Burkburnett, Tex., in place of Eulala Gray, resigned.

VIRGINIA.

Herbert C. Bolton to be postmaster at St. Paul, Va., in place of C. M. Kennedy, removed.

J. Richard Peery to be postmaster at Pocahontas, Va., in place of J. W. H. Lawford, resigned.

Connally T. Rush to be postmaster at Abingdon, Va., in place of R. P. Cummings. Incumbent's commission expired August 29, 1923.

John J. Ward to be postmaster at Nassawadox, Va., in place of S. R. Henry, removed.

Henry G. Norman to be postmaster at Cedar Bluff, Va. Office became presidential January 1, 1924.

WASHINGTON.

John F. Moyer to be postmaster at College Place, Wash., in place of J. F. Moyer. Incumbent's commission expired August 29, 1923.

WEST VIRGINIA.

James T. Akers to be postmaster at Bluefield, W. Va., in place of F. M. Peters. Incumbent's commission expired August 5, 1923.

Francis E. Ross to be postmaster at Power, W. Va., in place of L. C. Griffith; appointee failed to qualify.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 31 (legislative day of January 28), 1924.

COMMISSIONER OF IMMIGRATION.

William W. Tuttle to be commissioner of immigration at New Orleans, La.

UNITED STATES COAST GUARD.

Herman H. Wolf to be commander.

Clarence H. Dench to be lieutenant commander.

Arthur G. Hall to be lieutenant.

UNITED STATES DISTRICT JUDGE.

Charles B. Davis to be United States district judge, eastern district of Missouri.

PROMOTIONS IN THE NAVY.

To be commanders.

Robert C. Giffen.

Riley F. McConnell.

Richard E. Cassidy.

Ralph R. Stewart.

To be lieutenant commanders.

Herbert K. Fenn.

Paul Cassard.

Frank L. Johnston.

To be lieutenants.

Alexander Stuart.

Earle C. Peterson.

James Donaldson.

Henry L. Burmann.

George O. Farnsworth.

John S. Hawkins.

Elmer J. Tiernan.

Reuben F. Davis.

To be lieutenants (junior grade).

Rhea S. Taylor.

Carlton R. Todd.

George L. Richard.

John H. Willis.

George H. Hasselmann.

To be chief gunners.

Clarence M. Maloney.

Louis G. LaFerte.

Edward H. Belknap.

Edward F. Wilson.

To be chief machinists.

Samuel A. Wilson.

John W. Orr.

Louis J. Kreinbihl.

Edward L. Keene.

Paul R. LeVan.

To be chief pay clerks.

Romaine Hathaway.

James E. McC. Moore.

Atticus C. Shadburn.

POSTMASTERS.

ARIZONA.

Margaret E. Finletter, Inspiration.

CALIFORNIA.

Jeremiah R. Brown, Arcata.

William T. Van Matre, Downey.

Ethel Rockwell, Hynes.

Ambrose E. Daneri, Merced.

Henry A. Martin, Red Bluff.

Justin P. Miner, San Martin.

William J. Boyd, Sausalito.

COLORADO.

Alice J. Reed, Sanford.

KANSAS.

Chauncey J. Nichols, Arcadia.

Robert R. Carson, Hamilton.

Lloyd E. Clothier, Holyrood.

Clarence Leidy, Leon.

George W. Tompkins, Melvern.

Philip B. Dick, Mount Hope.

Ora A. Smith, Marysville.

Charles C. Andrews, Norcatour.

MARYLAND.

Addie D. Rayne, Willards.

MASSACHUSETTS.

Carl H. Carlson, Franklin.

MICHIGAN.

Warner B. Atkinson, Evart.

Byron D. Denison, Gallen.

Fay Elser, Litchfield.

Frank G. Leeson, Manchester.

Norman J. Laskey, Milan.

Milburn G. Hill, Plymouth.

Wellington E. Reid, Ubly.

MINNESOTA.

Thomas Clarkson, Bethel.

MONTANA.

Joseph D. Filcher, Boulder.

Leslie L. Like, Drummond.

NEW JERSEY.

Laura B. Van Slyke, Avenel.

Alfred B. Gibb, Bernardsville.

Alonzo P. Green, Chester.

Wilfred T. Sullivan, Delawanna.

Charlotte S. Hurd, Dover.

Lynwood C. Pine, Riverside.

Abram A. Reger, Somerville.

Carroll R. Cox, Tuckerton.

Edward C. Francois, West Hebron.

NORTH CAROLINA.

Herbert C. Whisnant, Granite Falls.

W. Heman Hall, Rosehill.

Neill K. Currie, Tabor.

Jeremiah C. Meekins, Jr., Washington.

NORTH DAKOTA.

Almeda Lee, Mohall.

PENNSYLVANIA.

Millard F. Hauser, Delaware Water Gap.

SOUTH CAROLINA.

Grover L. Smith, Springfield.

SOUTH DAKOTA.

Peder A. H. Hagen, Revillo.

WYOMING.

James A. Woods, Lingle.

Levi H. Converse, Salt Creek.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 31, 1924.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Again, our Heavenly Father, the thought of divine care is in our hearts, as no harm has prevailed against us. Lead us to a high appreciation of the Teacher of Nazareth, the principles He taught, and the kingdom of righteousness He set up. Impress us that it is the heaven and the spirit that count, working ever in the meal of society and state. Let us guard, therefore, wisely our influence and seek that quality of soul manifested and produced by Jesus, our Lord. May we with determination and devotion ally ourselves with that power that makes for righteousness and carry to successful and permanent issues the great interests committed to our care. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. BARKLEY. Mr. Speaker, on the 12th of January, 1924, an election was held in the ninth district of Kentucky to fill the vacancy created by the election of Governor Fields. As a result of that election Hon. FRED M. VINSON was elected by a majority of about 12,000. There is no question of his election, but his certificate has not yet arrived, and I ask unanimous consent that he may take the oath of office at this time.

The SPEAKER. Is there objection to the oath of office being taken at this time? [After a pause.] The Chair hears none.

Mr. VINSON of Kentucky appeared before the bar of the House and took the oath of office prescribed by law.

REORGANIZATION OF THE EXECUTIVE DEPARTMENTS.

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to make a statement which will require only two minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent to make a statement for two minutes. Is there objection? There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, I wish to say for the information of the House that the Joint Committee on the Reorganization of the Executive Departments, which has held hearings for several weeks, this morning completed the hearings and the report of the hearings is now being printed. The first installment is already available and subsequent installments will be available in a few days. Members can obtain copies of the printed reports by applying to the chairman of the committee.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. GARRETT of Tennessee. Who is the chairman of that committee?

Mr. MOORE of Virginia. As my friend knows, that is an old story. The chairman of the committee is Mr. Walter F. Brown.

Mr. GARRETT of Tennessee. Then it is necessary for Members of Congress to go to one not a Member of Congress to obtain hearings held before a congressional committee?

Mr. MOORE of Virginia. Well, the fact is that he is chairman of the committee; that, however, seems to me the most convenient method of making the distribution.

Mr. MAPES. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. MAPES. The gentleman forgot to state, I think, that the committee instructed the chairman to send a copy of the

hearings to every Member of the House of Representatives and of the Senate.

Mr. MOORE of Virginia. I will say to my friend that I think that instruction was recalled.

Mr. MAPES. I think not.

Mr. MOORE of Virginia. I so understood, or I would not have made the statement. I do not think that is the plan, but, if so, of course the Members will receive copies.

Mr. MAPES. My understanding is that a copy is to be sent to every Member. I have been present at every meeting of the committee since I became a member of it, and I have no recollection that the action to which I have referred has been recalled.

Mr. MOORE of Virginia. Nothing to that effect has been placed in the record, and my last understanding was that applications should be made to the chairman of the committee.

Mr. MAPES. That applies to those who desire copies in addition to the single copy which is sent to the Members.

Mr. TEMPLE. Will the gentleman from Virginia yield?

Mr. MOORE of Virginia. Yes.

Mr. TEMPLE. The gentleman says nothing has been placed in the record to that effect, and I should like to add that nothing at all has been placed in the record on this question; no action was taken by the committee concerning the method of distributing the committee hearings, but in conversation among the members it was understood and arranged that the chairman or the secretary of the committee was to send a copy to each Member of the House and Senate.

Mr. MOORE of Virginia. Well, I was not a party to any such understanding and know nothing about it. Of course, I do not question the gentleman's accuracy. The information I was giving was intended for gentlemen upon this side of the House and, of course, at the same time for the gentlemen on the other side.

Mr. TEMPLE. But it is rather unfortunate to give the impression that a Member of the House would have to go to some one not a Member of the House to get information about the work of a committee of the House.

Mr. MOORE of Virginia. I think the gentleman will find when he talks the matter over with those who are in charge of this business that there never was an definite understanding reached that there should be a copy sent to each Member of the House.

Mr. TEMPLE. There never was any action taken by the committee on the subject at all?

Mr. MOORE of Virginia. None at all.

Mr. MAPES. But the understanding was that each Member of the House and of the Senate should get a copy.

Mr. GARNER of Texas. Will the gentleman from Virginia yield?

Mr. MOORE of Virginia. Yes.

Mr. GARNER of Texas. I would like to ask the gentleman from Virginia what the life of this commission is?

Mr. MOORE of Virginia. I do not recall what the limitation upon the life of the commission is.

Mr. MAPES. July 1, 1924.

Mr. MOORE of Virginia. I will say this, aside from the not very material question as to whether anything has been determined as to distribution, that the hearings, whatever may be the final result, are of great interest. They deal with the entire administrative fabric of the Government, and to a large extent with the legislative fabric.

Mr. RAMSEYER. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. RAMSEYER. Does the report which the gentleman holds in his hand contain the testimony of witnesses before the commission or the findings and conclusions of the commission?

Mr. MOORE of Virginia. The commission has reached no conclusions; the hearings were finished only this morning. The hearings embrace all of the statements that were presented and all the exhibits which were ordered to go into the record.

Mr. RAMSEYER. Then the gentleman is talking about the hearings?

Mr. MOORE of Virginia. Exactly; yes.

Mr. TEMPLE. The gentleman from Virginia inadvertently referred to this as a report, but it is not a report.

Mr. RAMSEYER. But the gentleman from Virginia did speak of it as a report.

Mr. MOORE of Virginia. It is a report of the hearings, as I stated in the beginning, a printed report of the hearings.

Mr. TEMPLE. In the sense that a reporter took down the testimony.

Mr. MOORE of Virginia. Exactly; and that is the common term we use.

Mr. TEMPLE. But it is not in any sense a report of the committee?

Mr. MOORE of Virginia. No.

Mr. CRAMTON. Mr. Speaker, I demand the regular order.

APPROPRIATIONS—DEPARTMENT OF THE INTERIOR.

The SPEAKER. The regular order is the bill making appropriations for the Department of the Interior. The previous question has been ordered on the bill and a vote has been taken adopting all the amendments except three, and by unanimous consent it was agreed that those three amendments would be voted upon together. That vote is now pending.

The Clerk will report the amendment upon which the vote now comes.

The Clerk read as follows:

Page 12, line 6, strike out "\$232,000" and insert "\$315,000."

Page 12, strike out all of said page after the word "Provided," in line 6, and insert the following: "That the offices of registers and receivers of the following land offices shall be consolidated on June 1, 1925, and the applicable provisions of the act approved October 28, 1921, shall be followed in effecting such consolidation: Little Rock, Ark.; Eureka and Sacramento, Calif.; Denver, Colo.; Halley and Blackfoot, Idaho; Bozeman, Mont.; Las Cruces, Roswell, and Fort Sumner, N. Mex.; Burns, La Grande, and Vale, Oreg.; and Rapid City, S. Dak.: Provided further, That where a vacancy shall occur in the offices of register or receiver in said land offices prior to June 1, 1925, consolidation shall be effective as of the date of such vacancy."

Page 13, line 14, after the word "office," strike out "\$330,000" and insert "\$355,000."

The SPEAKER. The question is on agreeing to the amendment.

While the question was being taken Mr. TILLMAN and Mr. MARTIN rose.

Mr. TILLMAN. I demand a division, Mr. Speaker.

Mr. MARTIN. I demand a division, Mr. Speaker.

Mr. CRAMTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRAMTON. A point of order at this time would bring a roll call upon the pending question?

The SPEAKER. The Chair thinks so.

Mr. CRAMTON. I make the point of order that there is no quorum present.

The SPEAKER. It appears there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. The question is on agreeing to the amendments.

The question was taken; and there were—yeas 189, nays 172, answered "present" 1, not voting 69, as follows:

YEAS—189.

Abernethy	Fisher	Linthicum	Salmon
Allen	Foster	Little	Sanders, Tex.
Allgood	Fulmer	Logan	
Almon	Gardner, Ind.	Lyon	Schafer
Aswell	Gasque	McClintic	Sears, Nebr.
Bankhead	Geran	McDuffie	Sears, Fla.
Black, N. Y.	Glifford	McKeown	Shallenberger
Blair	Glatfelter	McLaughlin, Nebr.	Sherwood
Bloom	Goldsborough	McLeod	Stimmons
Bowling	Hadley	McSweeney	Sinclair
Boylan	Hardy	MacLafferty	Sinnott
Brand, Ga.	Harrison	Major, Mo.	Sites
Briggs	Hastings	Martin	Smith
Browne, N. J.	Hawes	Mead	Smithwick
Browne, Wis.	Hawley	Miller, Wash.	Steagall
Browning	Hayden	Milligan	Stedman
Bulwinkle	Hickey	Minahan	Stengle
Bushy	Hill, Ala.	Moore, Ohio	Stephens
Canfield	Hill, Wash.	Moore, Ga.	Summers, Wash.
Cannon	Howard, Nebr.	Moore, Va.	Swank
Carew	Howard, Okla.	Morehead	Swing
Casey	Huddleston	Morgan	Taylor, Tenn.
Celler	Hudspeth	Morin	Taylor, W. Va.
Clague	Hull, Iowa	Morrow	Thomas, Ky.
Clancy	Humphreys	Newton, Minn.	Thomas, Okla.
Clarke, N. Y.	Jacobstein	Newton, Mo.	Tillman
Cleary	James	Nolan	Timberlake
Collier	Jeffers	O'Connell, N. Y.	Tydings
Colton	Johnson, Wash.	O'Connor, La.	Vaile
Connally, Tex.	Johnson, S. Dak.	O'Connor, N. Y.	Vinson, Ga.
Cooper, Wis.	Keller	O'Sullivan	Volzt
Corning	Kent	Oldfield	Watkins
Croll	Kerr	Oliver, N. Y.	Weaver
Cullen	King	Oliver, Ala.	Wefald
Cummings	Knutson	Parks, Ark.	Weller
Curry	Kunz	Prall	Williamson
Davis, Minn.	Kvale	Quayle	Wilson, La.
Davis, Tenn.	Lampert	Quin	Wilson, Miss.
Denison	Lankford	Ragon	Wingo
Dickstein	Larsen, Ga.	Raker	Winter
Doughton	Larson, Minn.	Rankin	Wolff
Doyle	Lazaro	Reed, Ark.	Woodrum
Drane	Lea, Calif.	Reld, Ill.	Wright
Driver	Leatherwood	Richards	Wurzbach
Dupré	Leavitt	Robison, Ky.	Yates
Evans, Mont.	Lilly	Rouse	
Faust	Lindsay	Rubey	
Fenn	Lineberger	Sabath	

NAYS—172.

Ackerman	Drewry	LaGuardia	Rogers, N. H.
Aldrich	Dyer	Lanham	Rosenbloom
Andrew	Edmonds	Longworth	Sanders, Ind.
Arnold	Elliott	Lowrey	Seger
Ayres	Evans, Iowa	Lozier	Shreve
Bacharach	Fairfield	Luce	Snell
Bacon	Fish	McLaughlin, Mich.	Snyder
Barbour	Fleetwood	McReynolds	Speaks
Barkley	Frear	McSwain	Sproul, Ill.
Beck	Free	MacGregor	Sproul, Kans.
Beedy	Freeman	Madden	Stalker
Beers	French	Magee, N. Y.	Stevenson
Elxler	Frothingham	Magee, Pa.	Strong, Pa.
Black, Tex.	Fulbright	Major, Ill.	Summers, Tex.
Blanton	Fuller	Mapes	Sweet
Boles	Garner, Tex.	Merritt	Taber
Box	Garrett, Tex.	Michener	Taylor, Colo.
Boyce	Gibson	Miller, Ill.	Temple
Brumm	Gilbert	Mills	Thatcher
Buchanan	Graham, Ill.	Moore, Ill.	Thompson
Burdick	Graham, Pa.	Moore, Ind.	Tilson
Burness	Greene, Mass.	Murphy	Tinkham
Burton	Greenwood	Nelson, Me.	Treadway
Butler	Griest	Nelson, Wis.	Tucker
Byrnes, S. C.	Hammer	O'Connell, R. I.	Underwood
Byrns, Tenn.	Hill, Md.	Paize	Vare
Cable	Holaday	Parker	Vestal
Campbell	Hooker	Patterson	Vincent, Mich.
Carter	Hudson	Peavey	Vinson, Ky.
Chindblom	Hull, Tenn.	Peery	Wainwright
Christopherson	Hull, Morton D.	Perkins	Ward, N. Y.
Cole, Iowa	Johnson, Ky.	Phillips	Ward, N. C.
Connery	Johnson, W. Va.	Porter	Watres
Cramton	Johnson, Tex.	Rainey	Watson
Crisp	Jones	Ramsayer	Welsh
Crosser	Jost	Ransley	Williams, Mich.
Crowther	Kearns	Rathbone	Williams, Tex.
Dallinger	Kelly	Rayburn	Williams, Ill.
Darrow	Kendall	Reece	Wilson, Ind.
Deal	Ketcham	Reed, N. Y.	Wood
Dickinson, Mo.	Kiess	Roach	Woodruff
Dickinson, Iowa	Kincheloe	Robinson, Iowa	Wyant
Dowell	Kurtz	Rogers, Mass.	Young

ANSWERED "PRESENT"—1.

Garrett, Tenn.

NOT VOTING—69.

Anderson	Fairchild	Leibach	Schneider
Anthony	Favrot	McFadden	Scott
Begg	Fitzgerald	McKenzie	Strong, Kans.
Bell	Fredericks	McNulty	Sullivan
Berger	Funk	Manlove	Swoope
Brand, Ohio	Gallivan	Mansfield	Tague
Britten	Garber	Michaelson	Tincher
Buckley	Green, Iowa	Montague	Underhill
Clark, Fla.	Griffin	Mooney	Upshaw
Cole, Ohio	Haugen	Morris	Wason
Collins	Hersey	O'Brien	Wertz
Connolly, Pa.	Hoch	Perlman	White, Kans.
Cook	Hull, William E.	Pou	White, Me.
Cooper, Ohio	Kahn	Purnell	Winslow
Davey	Kindred	Reed, W. Va.	Zihlman
Dempsey	Kopp	Ronjue	
Dominick	Langley	Sanders, N. Y.	
Eagan	Lee, Ga.	Schall	

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Favrot (for) with Mr. Gallivan (against).
 Mr. Clark of Florida (for) with Mr. Garrett of Tennessee (against).
 Mr. Kindred (for) with Mr. Manlove (against).
 Mr. Langley (for) with Mr. Hoch (against).
 Mr. Tague (for) with Mr. Wood (against).
 Mr. Collins (for) with Mr. Wason (against).

Until further notice, general pairs:

Mr. Winslow with Mr. Bell.
 Mr. Green of Iowa with Mr. Griffin.
 Mr. Purnell with Mr. Pou.
 Mr. Fitzgerald with Mr. McNulty.
 Mr. Connolly of Pennsylvania with Mr. Davey.
 Mr. Underhill with Mr. Montague.
 Mr. Begg with Mr. Sullivan.
 Mr. Kahn with Mr. Eagan.
 Mr. Swoope with Mr. Lee of Georgia.
 Mr. Tincher with Mr. Dominick.
 Mr. Wertz with Mr. Buckley.
 Mr. Anthony with Mr. Mansfield.
 Mr. Kopp with Mr. Mooney.
 Mr. Anderson with Mr. Ronjue.
 Mr. White of Maine with Mr. Cook.
 Mr. McFadden with Mr. Morris.
 Mr. Cooper of Ohio with Mr. Upshaw.
 Mr. Leibach with Mr. Berger.

Mr. GALLIVAN. Mr. Speaker, I voted no, but the gentleman from Louisiana, Mr. FAVROT, is absent on account of the death of his mother. If he had been present, he would have voted "aye." Therefore I withhold my vote and vote present.

The result of the vote was announced as above recorded.

A quorum being present the doors were opened.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

Mr. BLANTON. Mr. Speaker, I ask for the reading of the engrossed copy.

Mr. McKEOWN. Mr. Speaker, I have a motion to recommit.

The SPEAKER. The gentleman from Texas calls for the reading of the engrossed copy.

Mr. McKEOWN. Can the motion to recommit be filed with the Clerk?

The SPEAKER. That will be in order when the bill comes up again.

RESIGNATION FROM THE COMMITTEE ON FLOOD CONTROL.

The SPEAKER laid before the House the following communication:

JANUARY 31, 1924.

HON. FREDERICK H. GILLETTE,

The Speaker, House of Representatives.

SIR: I hereby tender my resignation from the Committee on Flood Control, to become effective this date.

Respectfully,

LAMAR JEFFERS.

INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. BLANTON. Mr. Speaker, the gentleman from Michigan [Mr. CRAMTON] informs me that if the bill goes over he would not ask to reconsider the vote, and I therefore withdraw my demand for the reading of the engrossed copy.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. McKEOWN. Mr. Speaker. I offer the following motion to recommit.

The Clerk read as follows:

Mr. McKEOWN moves to recommit H. R. 5078 to the Committee on Appropriations, with instructions to immediately report the bill back to the House with the following amendments:

On page 83, line 14, after the word "all," strike out "\$93,000" and insert "\$50,000."

On page 85, line 25, after the word "all," strike out "\$136,000" and insert "\$100,000."

On page 86, line 20, after the word "all," strike out "\$366,000" and insert "\$300,000."

On page 87, line 17, after the word "all," strike out "\$309,000" and insert "\$250,000."

Mr. CRAMTON. Mr. Speaker, I reserve a point of order.

Mr. WINGO. I move the previous question on the motion to recommit.

Mr. CRAMTON. I will withdraw the point of order, and move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken; and on a division (demanded by Mr. McKEOWN) there were 27 yeas and 190 noes.

Mr. McKEOWN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Oklahoma asks for the yeas and nays. All those in favor of the yeas and nays will rise. [After counting.] Fourteen Members have arisen, not a sufficient number, and the yeas and nays are refused.

So the motion to recommit was lost.

The question was then taken on the passage of the bill, and the bill was passed.

On motion of Mr. CRAMTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BOARD OF VISITORS TO THE NAVAL ACADEMY.

The SPEAKER. The Speaker is directed by law to appoint in January five Members of the House to serve as a board of visitors to the Naval Academy. The Chair therefore appoints the following Members:

Mr. BURDICK, Mr. LINEBERGER, Mr. MAGEE of Pennsylvania, Mr. McCLINTIC, and Mr. DRANE.

THE INCOME TAX.

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. MADDEN. Reserving the right to object, I will not object to this request; but if anyone wishes to get any further time out of order I will object, unless the gentleman from Texas says something that ought to be replied to. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER of Texas. Mr. Speaker, I want to thank my friend from Illinois for being good enough to let me have this time. Whether I say anything worthy of a reply I will leave to him and his associates. Mr. Speaker, I ask to have this resolution read in my time for the information of the House.

The Clerk read as follows:

House joint resolution.

Resolved, etc., That in case of a single person the personal income-tax exemption shall be \$2,000, and in case of the head of a family or a married person living with husband or wife the personal exemption shall be \$3,000 for the taxable year 1923, in lieu of the personal exemptions prescribed by section 216 of the revenue act of 1921.

SEC. 2. *Be it further resolved, That for the taxable year 1923 the normal income tax on individual citizens or residents of the United States shall be at the rate of 2 per cent on amounts of \$5,000 and under, and 4 per cent on amounts of \$5,000 to \$8,000, and 6 per cent on all amounts in excess of \$8,000, in lieu of the existing normal income-tax rates prescribed by section 210 of the revenue act of 1921.*

SEC. 3. *Be it further resolved, That in lieu of the tax imposed by section 211 of the revenue act of 1921, but in addition to the normal tax herein imposed, there shall be levied, collected, and paid for the taxable year 1923 upon the net income of every individual a surtax equal to the sum of the following:*

Per cent:	
1	\$12,000 to \$14,000
2	14,000 to 16,000
3	16,000 to 18,000
4	18,000 to 20,000
5	20,000 to 22,000
6	22,000 to 24,000
7	24,000 to 26,000
8	26,000 to 28,000
9	28,000 to 30,000
10	30,000 to 32,000
11	32,000 to 34,000
12	34,000 to 36,000
13	36,000 to 38,000
14	38,000 to 40,000
15	40,000 to 42,000
16	42,000 to 44,000
17	44,000 to 46,000
18	46,000 to 48,000
19	48,000 to 50,000
20	50,000 to 52,000
21	52,000 to 54,000
22	54,000 to 56,000
23	56,000 to 58,000
24	58,000 to 60,000
25	60,000 to 62,000
26	62,000 to 64,000
27	64,000 to 66,000
28	66,000 to 68,000
29	68,000 to 70,000
30	70,000 to 72,000
31	72,000 to 74,000
32	74,000 to 76,000
33	76,000 to 78,000
34	78,000 to 80,000
35	80,000 to 82,000
36	82,000 to 84,000
37	84,000 to 86,000
38	86,000 to 88,000
39	88,000 to 90,000
40	90,000 to 92,000
41	92,000 to 94,000

SEC. 4. *Be it further resolved, That all individuals taxed under the foregoing provisions whose income is derived from wages, salaries, fees, commissions, personal exertion, and any unincorporate persons whose income is derived from combined personal services and capital in connection with the business of agriculture or other business, shall, to the extent of reasonable compensation for such personal service during the taxable year 1923, be credited with 33 1/3 per cent of an amount which bears the same relation to the total amount of the tax as the amount of the earned net income bears to the total of the net income; but in no case shall the credit allowed under this section exceed 33 1/3 per cent of the amount of the tax.*

Mr. LONGWORTH. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. LONGWORTH. Will the gentleman tell me why he has been laughing throughout the reading of the resolution?

Mr. GARNER of Texas. I was amused at the fix in which this resolution is going to put the gentleman from New York. I like to receive a good smile, especially when it comes from the gentleman from New York, since I get so few from the gentleman from Ohio.

Mr. Speaker and gentlemen of the House, this resolution applies to the tax of 1923—the rates that have been suggested by the Democrats in an extended statement that I placed in the RECORD on the 7th day of this month. That is all there is to it. In most countries where they have an internal tax system like we have and have had for the past 10 years in this country, this is the customary way in which you revise the taxes. For instance, in our tax law now, after we have an efficient administration of the law, and in the future if we wish to cut down or raise the taxes of the people, we can do it by a simple bill or resolution, leaving intact the administrative features of the law.

Mr. MADDEN. You would have a permanent law fixing the rates of reduction.

Mr. GARNER of Texas. Every law is a permanent law until you repeal it. The tax laws on the statute books are permanent laws. This is merely a suggestion to reduce the taxes and apply the tax that we propose to leave permanently in the future, so far as this Congress is concerned, for 1924-25.

Now, gentlemen, remember this: If you adopt this resolution, you will relieve 2,000,000 people from making tax returns between now and March 15. You have six weeks within which to pass this resolution, if you will consider it to-day, and you can amend it; and I assure you that you will have an opportunity to do it to-day. If you pass this resolution or some other resolution which you desire to pass, you will relieve 2,000,000 people of this country from the trouble of making out their income-tax returns, because the exemption provided for here is \$2,000 and \$3,000 instead of \$1,000 and \$2,000. Again, when they make out the returns between now and March 15 they will apply the rates that you want applied in the future for 1923, but if they make out their rates applying to the 1921 act, as is suggested by the gentleman from Iowa [Mr. GREEN] and his associates, reducing that law by 25 per cent, they will have to make it out for the full amount, and the Treasury Department will have to send them their checks back, or they will have to make application for a refund.

In this resolution I am trying to avoid the making out of the returns of 2,000,000 taxpayers who will not be taxed under the resolution. They would be taxed under the 1921 law. I hope that gentlemen will give me an opportunity to consider this resolution to-day. If it is not in perfect form, I know the gentleman from Iowa and his associates can perfect it. I submit it for the consideration of the House, hoping that we can give the people the same consideration for 1923 that we are going to give the people for 1924 and 1925.

The suggestion appearing in this morning's paper offered by the gentleman from Iowa [Mr. GREEN] and his associates, that you reduce taxes 25 per cent on the law of 1921, the gentleman will admit, and we must all admit, is unscientific, and no one knows when that bill will come along. You must make your returns based on 1921, and if you pass the joint resolution applying the taxes that you are going to put permanently on the books for 1923 at this time you avoid making returns and having the Treasury troubled by sending back checks. Besides, there is a greater merit in it than the one I suggest, and I think my Republican friends will admit that before they get through. A reduction of 25 per cent on the basis of the law of 1921 would compel the taxpayer for 1924 under the so-called Mellon plan to pay one-third more taxes than he would in 1923. I imagine that the gentleman from New York [Mr. MILLS] would be glad to see this reduction of 25 per cent on the 1923 tax, because under the proposition that he made or the one that he helped to make, you would pay one-third less than you would in 1924.

Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which has been read.

The SPEAKER. Is there objection?

Mr. GREEN of Iowa. Mr. Speaker, I congratulate the gentleman upon his forethought, but I am compelled to object.

Mr. GARNER of Texas. That is all. I just wanted the majority party to go on record. I hope the gentleman from Illinois [Mr. MADDEN] will not conclude that I have made any remarks that justify anything being said in reply, and that he will get on with the appropriation bill. [Laughter and applause on Democratic side.]

APPROPRIATIONS—TREASURY AND POST OFFICE DEPARTMENTS.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6349) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1925, and for other purposes. Pending that I ask the gentleman from Tennessee [Mr. BYRNS] if we can agree on time for general debate?

Mr. BYRNS of Tennessee. Mr. Speaker, I have a great many requests upon this side for time. I hope the gentleman will let the matter run along for at least to-day before fixing any time to conclude general debate.

Mr. MADDEN. Then, Mr. Speaker, I ask unanimous consent that general debate be controlled by the gentleman from Tennessee and myself.

The SPEAKER. The gentleman from Illinois asks unanimous consent that general debate be controlled, half by himself and

half by the gentleman from Tennessee [Mr. BYRNS]. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this is the first time that these two great departments have been combined in one appropriation bill.

Mr. MADDEN. Yes.

Mr. BLANTON. The gentleman brings in a bill carrying \$792,000,000. Is he going to permit liberal debate upon it?

Mr. MADDEN. Yes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6349.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Treasury and Post Office appropriation bill, with Mr. SANDERS of Indiana in the chair.

The Clerk read the title of the bill.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman and gentlemen of the committee, the Treasury and the Post Office Departments appropriation bill, as recommended, carries a combined total of \$729,858,451.60. This is \$18,476,889.73 more than the 1924 appropriations, which amounted to \$711,381,561.87. It is \$5,447,696.90 less than the 1925 Budget estimates, which were \$735,306,148.50. These figures, of course, do not include the permanent and indefinite appropriations for the Treasury Department. They amount in the aggregate to \$1,399,051,075 for the fiscal year 1925. This includes \$890,000,000 for interest on the public debt and \$310,000,000 for the sinking fund. The amount recommended for payment for permanent and indefinite appropriation is \$83,972,143.41 less than the permanent appropriations for 1924, which totaled \$1,483,023,218.41.

Of the total amount of this bill \$119,882,205 is recommended for the Treasury Department. This is \$6,277,597.37 less than 1924 appropriations, which when the \$240 bonus, amounting to \$10,749,292, is included, amount to \$126,159,902.37. The amount recommended is \$2,330,760 less than the Budget estimates, which were \$122,212,965.

At present the Treasury Department has 17,676 departmental employees. The salaries carried in this bill are intended to provide for the payment of 16,923 in the city of Washington. This is a reduction of 753 departmental employees. Customs receipts for the last year have amounted to \$562,189,039. This is \$204,644,327 more than for 1922. The customs receipts for 1922 amounted to \$357,544,712.

Mr. LONGWORTH. Will the gentleman kindly repeat what were the receipts for customs?

Mr. MADDEN. It was \$562,189,039.

Mr. LONGWORTH. That is nearly twice the total receipts of any period of the Underwood law.

Mr. MADDEN. It is \$204,644,327 more than 1922. The internal-revenue receipts for the fiscal year 1923 amounted to \$2,621,745,227.57. This is \$575,705,855.43 less than 1922, which in that year amounted to \$3,197,451,083. This decrease in collections is mostly accounted for by the decrease of \$395,828,930.29 in receipts from income and profits taxes, which aggregated \$1,691,089,534.56 for the fiscal year 1923, compared with \$2,086,918,464.85 for the fiscal year 1922.

Imports during the fiscal year 1923 were valued at \$3,781,259,144, an increase of \$1,173,250,136 over the preceding year. Exports were valued at \$3,957,077,953, an increase of \$185,896,336 over the fiscal year 1922. The balance of trade in favor of the United States was reduced from \$1,163,172,589 in 1922 to \$175,818,789 in 1923.

Increases for the Treasury Department as contained in this bill are as follows: An amount of \$542,000 has been added to the Treasury Department over the appropriations for 1924, which amount is included under various bureaus and represents an increase due to the classification act of 1923. Note that it represents \$542,000 increase. An increase of \$1,555,640 is allowed to the customs service, bringing their total appropriation up to \$13,874,140. This increase covers the estimate for the employment of 1,128 additional employees, distributed throughout the United States in the various collection districts. It includes 259 additional employees for the port of New York. The committee was of the opinion that the amount of work and the increase in the volume of imports due to putting into effect the new tariff act approved September 21, 1922, justified this

Increase. The large number of automobile tourists coming into the United States at the various border lines is so phenomenal and so unprecedented that it calls for special consideration on the part of the customs officials of this country. With the force we now have employed it is impossible to give any sort of inspection to the vehicle transportation coming across the borders. We do not know what the automobiles may contain. They are coming in in droves, as many as five or six hundred at a given point in a single day; and so, in order to be able to enforce the act which requires the inspection of goods admitted into the United States, we have been called upon to give authority for the employment of a large additional force.

Mr. SNELL. Will the gentleman yield right there?

Mr. MADDEN. I will.

Mr. SNELL. I understand from the statement of the chairman that the committee has granted the Customs Department additional employees which they feel are necessary properly to carry out the law?

Mr. MADDEN. We have granted every person they have asked us to grant, because we thought they made a case that justified our action. They told us that unless they had a larger force at all great ports of entry and at the border line it would be impossible for them to insure the collection of our revenues which should come to the Treasury of the United States. They are short of inspectors, short of laborers, short of everything, and the result of that shortage has been, I fear, that we have not been getting all the revenue to which the country is entitled.

Mr. SNELL. I know the conditions that prevail in my district, which is a border district, and I am very glad the committee has allowed this.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. LaGUARDIA. On this matter of additional employees, does the bill provide any change in the salary of inspectors?

Mr. MADDEN. No; we have no authority to do that. This bill will not become effective until the 1st day of July, and it is hoped between now and the 1st of July the Personal Classification Board will have completed the field classification work, in which case a new salary list would apply to these men.

Mr. LaGUARDIA. Are sufficient funds appropriated to cover that?

Mr. MADDEN. No; there are not any funds appropriated for that purpose; but it is the intention of the committee, if the classification work is complete, to hold hearings to ascertain the amount needed to comply with the law, and it is the intention to appropriate that in a special bill to meet the needs of the service.

Mr. LaGUARDIA. Then there is nothing at the present time to provide for an increase of salaries for the deputy collectors of customs?

Mr. MADDEN. Not in this bill.

Mr. LaGUARDIA. And in the absence of the classification bill coming in before July 1, they will get no increase of salary?

Mr. MADDEN. They will get the bonus. But there is a law on the statute books which authorizes the payment of not to exceed 30 per cent increase of compensation.

Mr. CELLER. Mr. Chairman, will the gentleman yield there?

Mr. MADDEN. Not until I complete this statement.

There is, I believe, a deficiency in some branches of the Treasury Department for which estimates have been submitted to the Committee on Appropriations; and when those come before us, if the needs of the service justify, the committee will be glad to give them consideration for the period between now and the 1st of July.

Mr. LaGUARDIA. For the fiscal year 1924-25 are sufficient funds appropriated to permit the granting of the increase, under the general law, of 30 per cent additional?

Mr. MADDEN. No funds are appropriated and no formal application has been made to Congress for increase of compensation. We have not had that question before us for consideration. Whether we will have when we take up the question of deficiencies I do not know, but it is not before us now.

Mr. LaGUARDIA. I was under the impression that the Secretary had requested additional funds for this purpose.

Mr. MADDEN. He may have done that to the Budget Bureau or to the President, but it has not come to us. I think that question is not settled down there yet.

Mr. CELLER. Are these 250 additional employees at the port of New York to be exempt from examination, or will they be appointed under the civil service law?

Mr. MADDEN. They are all under the civil service, as I understand it.

In addition to causing a large increase in the amount of merchandise handled as the result of this vast increase in the volume of business, the tariff act of 1922 has greatly increased the administrative work in the handling of it. The new tariff law requires much additional weighing and sampling. The customs work is also largely increased at the border. As I said, border customhouses of the United States, due to requirements of the tariff act to the effect that persons in charge of the vehicles arriving from contiguous foreign territory must report to the customs officer to deliver a manifest of any merchandise on board and to secure a permit before discharging the merchandise, passenger, or baggage, are required to do a great deal of additional work.

The constant stream of tourist traffic, particularly across the eastern part of the Canadian border, makes it necessary to maintain a 24-hour customs service, at least from May to November, while the tourists are coming in in greatest number, and this appropriation for additional employees is intended to meet the needs of the service to an extent sufficient to justify every expectation of every administrative officer of the Government in these different branches of the service.

Now we come to the prohibition unit in the Treasury Department. An increase of \$1,629,770 has been recommended for the consideration of the House.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Let me finish this statement. Then I will yield.

This makes their annual appropriation \$10,629,770. This increase is made on an estimate for 445 additional employees, 300 at \$1,800 each per annum, for the enforcement of prohibition, to be used in the field as a mobile force, and 145, at \$2,300 each per annum, to be used in preventing the illegal use of narcotics, 125 of whom are to be used in the field and 20 additional men in the unit at Washington.

This increase includes an additional amount of \$535,300 for traveling expenses. It must be realized, Mr. Chairman and gentlemen, that a large amount of travel is necessary by the prohibition force in order to perform their duties. We have gone very carefully into the question of the economy of expenditure, and we believe that \$535,300 is not an excessive amount for travel under the circumstances. We are allowing \$50,000 of the total increase in miscellaneous expenses and \$51,800 for floating equipment; floating equipment which represents six motor launches at \$5,000 apiece and six at \$3,000 apiece, which the prohibition unit wishes to purchase to use in the suppression of liquor smuggling.

The amount deposited in the Treasury of the United States as fines and forfeitures, as the result of prosecutions for violation of the prohibition and narcotic acts for the last year is \$4,356,056.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman.

Mr. BLANTON. I just wanted to ask the distinguished gentleman from Illinois if he thought it wise to continue this particular bureau in the Treasury Department? In other words, the suppression of the liquor traffic is in the hands of a man who does not believe in its suppression. If our country were in war with the world would the gentleman from Illinois think of placing the prosecution of our war in the hands of a Secretary of War who did not believe in killing anybody in war?

Mr. MADDEN. I am afraid that our committee is not competent to answer the gentleman's question.

Mr. BLANTON. Well, Congress ought to answer it.

Mr. MADDEN. They are not competent to answer it. I want to say that the gentleman who appeared before us, Mr. Haynes, the prohibition commissioner, and his assistant, Mr. Jones, and others who came with him and testified, led the Committee on Appropriations to conclude that they were doing everything within their power to enforce the act, and our only knowledge as to whether the act is sufficiently enforced or not comes from the testimony which they gave.

Mr. BLANTON. Oh, yes; I know just under what conditions the gentleman has had to act. But it is a well-known fact all over the United States that the Secretary of the Treasury does not believe in prohibition. Now, it looks to me like a silly idea for Congress to place in his hands the expenditure of a great big fund for the suppression of the liquor traffic when he does not believe in it. We ought to provide a new general to take charge of the forces in that respect.

Mr. MADDEN. Whatever action the Congress may take in that respect will meet with my approval. I am thoroughly in

favor of the enforcement of any law that may be on the statute books, whether it be popular or unpopular. I believe it should be enforced while it is there, but I am not in a position to say who should be in charge of its enforcement.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. NEWTON of Minnesota. The gentleman from Texas [Mr. BLANTON] referred to the Secretary of the Treasury as not believing in prohibition and, by innuendo at least, suggests the inference that he does not believe in the enforcement of the eighteenth amendment and the prohibition enforcement act. It seems to me there is absolutely nothing in the conduct of the Secretary of the Treasury which would warrant any such impression; on the contrary, his conduct in office has been just the reverse of that. That is my opinion as the result of my own experience and from conversations with him.

Mr. BLANTON. Mr. Chairman, if the gentleman will yield, the gentleman from Minnesota would not attempt to tell the country—and he is talking to the country when he talks here—that the Secretary of the Treasury is in favor of national prohibition.

Mr. NEWTON of Minnesota. I do not know anything about his personal views.

Mr. BLANTON. If the gentleman does not know his views, he should not attempt to state them.

Mr. NEWTON of Minnesota. But I do know what his conduct has been with reference to law enforcement.

Mr. BLANTON. I claim to know how he stands on that question.

Mr. CELLER. Will the gentleman from Illinois yield?

Mr. MADDEN. Yes.

Mr. CELLER. I desire to ask a question in connection with the increase for the enforcement of prohibition. As I understand, it is an increase of \$1,470,000.

Mr. MADDEN. It is \$1,629,000.

Mr. CELLER. Was that increase based on only the recommendations of Mr. Haynes?

Mr. MADDEN. No. That is the recommendation of the President of the United States. All the recommendations which come to the Committee on Appropriations, I wish to say to the gentleman, come from the President. The Budget Director is the agent of the President. The President's signature is on all recommendations that come to us and he is responsible for them, and we do not consider anything that is not from him.

We are recommending an increase of \$564,890 for public buildings and we are making the total appropriation \$10,399,710. This represents, however, a decrease under the Budget estimates of \$700,040. The increase over the 1924 appropriation is included in the item "Construction, rent, etc." which includes repairs to marine hospitals and quarantine stations, and the operating force, operating supplies, and furniture and repairs, due to an increase of 30 buildings under the direction of the Supervising Architect, bringing the total number of buildings in which the public business of the country is transacted up to 1,257.

We have reduced the recommendations for appropriations for the Internal Revenue Bureau, excluding prohibition, \$1,103,800 below the Budget estimates. This decrease includes \$1,000,000 in the appropriation for collecting and assessing internal-revenue taxes, and \$100,000 in the appropriation for salaries of collectors, gaugers, storekeepers, and so forth.

There is a decrease of \$163,610.62 under the current appropriation for the Public Health Service, making their annual appropriation \$8,582,721. This decrease represents small amounts taken from the several appropriations under the bureau, with the exception of the division of venereal diseases. In this division there has been a reduction under the Budget estimates of \$124,000.

Mr. BANKHEAD. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BANKHEAD. I have not had an opportunity to examine the bill yet, but I was informed that for the Bureau of Rural Sanitation the Budget Bureau recommended \$75,000.

Mr. MADDEN. The Budget recommendations for that service were \$74,300.

Mr. BANKHEAD. The department requested \$100,000, but the Budget Bureau recommended \$75,000, and the committee has reduced that amount to \$50,000.

Mr. MADDEN. The amount recommended in this bill for rural sanitation was \$50,000, the same amount carried in the current appropriation.

Mr. BANKHEAD. Will the chairman indicate why the committee made a 50 per cent reduction in that very important item?

Mr. MADDEN. I would rather do that when we reach the item, if the gentleman does not mind.

Mr. BANKHEAD. Very well.

Mr. MADDEN. For the Coast Guard we have made a reduction of \$793,881, and their appropriation in this bill is \$10,651,649. This decrease represents mainly a reduction in the amount over last year for salaries for commissioned officers and men, and it was because of a large amount made immediately available last year to comply with the terms of the pay bill for the Army and the Navy that we are able this year to reduce the amount of the appropriation. There are no fewer men, no fewer officers, and no fewer ships in the Coast Guard for 1925 than there are for 1924. We are not reducing the force; we are not affecting its efficiency, and we are not in any wise crippling the activities of the Coast Guard. I think, and I think everybody thinks who knows anything about it, that the Coast Guard is one of the most efficient arms of the Government service.

It is the arm of the Government service which never sleeps; it is on duty when storms and stress take place at sea. When life is in danger it is always at the danger spot to meet the needs of the hour, to protect life and preserve property. So, to the extent we can, we should always keep this arm of the Government service in first-class condition, and I believe what we recommend in this bill will do that.

The direct appropriations for the Bureau of Engraving and Printing for the fiscal year 1924 aggregate \$5,532,760, to which should be added the amount for that year on account of the \$240 bonus, making a total for 1924 of \$6,182,760. The amount estimated for the fiscal year 1925 and recommended in the bill, in which is absorbed the \$240 bonus and the cost under classification, is \$5,945,075, a decrease under the 1924 appropriations of \$237,085. This is a net decrease in the appropriations, but in comparing 1924 with 1925 more work is being covered by the 1925 amounts than were carried in the 1924 appropriations. Putting them on a comparable basis of quantity of work the saving would be \$312,856. The truth of the matter is that if we take into consideration the savings that have been made under the legislation which went into effect in January, 1923, the appropriations for the Bureau of Engraving and Printing would have been more than \$800,000 greater than we carry in this bill.

The committee recommends in this bill the same limitation upon salaries to be paid in the District of Columbia under the classification act as it carried in the Interior Department appropriation bill which has just passed the House.

The committee recommends language in the bill transferring to the Superintendent of the State, War, and Navy Department Buildings the care and maintenance of three buildings now under the Treasury Department.

It is estimated that by the transfer of the management of these buildings to the jurisdiction of the Superintendent of Public Buildings we will save \$20,000 a year, and that amount has been deducted from the appropriations which the committee recommends for your consideration.

The whole appropriation for the Federal Farm Loan Board will be payable from assessments upon Federal and joint-stock land banks, in accordance with estimates submitted by the bureau, and is in accordance with the spirit of previous legislation by Congress. There is no reason why the expenses of the Federal Farm Loan Board should be paid out of the Treasury of the United States. Farm-loan banks are successful institutions. They are all paying dividends. They have a large surplus of earnings undivided and they are accumulating profits every day. It is only fair that an institution which pays dividends should pay its own expenses. The Government took care of this cost when it was necessary to foster the institutions, but they have gone past the stage of swaddling clothes and are now full-grown financial institutions doing a business of over \$200,000,000 a year.

Mr. HASTINGS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HASTINGS. Did the investigation of your committee show that there had been any losses, or did the committee go into that matter?

Mr. MADDEN. We did not go into that question at this time, but we did in connection with the last bill, and it was shown that there was a very small percentage of losses. Of course, you never can tell how much loss there will be in the long run, because what may appear a loss to-day, when it is liquidated, may turn out to be a profit. There was a very small percentage of losses, so far as we were able to ascertain.

The total appropriations for 1924 for the Post Office Department—and we are now reaching the Post Office section of this

bill—were \$585,221,759.50. The estimates submitted to us for 1925 amounted to \$613,093,183.50. The committee recommends \$609,976,246.60, an increase over the 1924 appropriation of \$24,754,487.10, and a decrease under the estimates submitted for 1925 of \$3,116,936.90.

Mr. WILLIAMSON. Will the gentleman yield there?

Mr. MADDEN. Yes, sir.

Mr. WILLIAMSON. Does the gentleman know whether or not the estimates submitted by the Bureau of the Budget were as large as those requested by the Post Office Department?

Mr. MADDEN. Yes; I know they were not. They are about \$10,000,000 less.

Mr. WILLIAMSON. I know there has been a lack of funds for establishing rural mail routes for the last two years in a great many localities which could have been established if there had been funds available.

Mr. MADDEN. They had plenty of funds available to establish rural routes wherever they were able to ascertain the necessity for them, and this bill provides a very large additional amount for the establishment of rural routes, I will say to the gentleman.

Mr. HASTINGS. Will the gentleman yield further?

Mr. MADDEN. Yes, indeed.

Mr. HASTINGS. I have only had an opportunity for a moment or two to examine the hearings, but I notice some one representing the Post Office Department said there were some 406 applications pending for the establishment of rural routes which had not been allowed. I understood the gentleman to say in answer to the last question that the Post Office Department had plenty of money for the establishment of all rural routes that had been approved.

Mr. MADDEN. Yes; that had been finally approved.

Mr. HASTINGS. I want to say, if I may, Mr. Chairman, that I know of a number in my district, the second congressional district of Oklahoma, where the routes have been gone over by an inspector and carefully examined, and they have been approved but the routes have not been installed, and the reason that has been given by the Post Office Department is insufficient funds.

Mr. MADDEN. Of course, an inspector's final examination and report is not complete approval. As I suppose the gentleman knows, the report of the inspector is not the last word.

Mr. HASTINGS. I mean that they have gone over the routes and have reported favorably upon them to the department.

Mr. MADDEN. I assume that is so, but approval means the last word, whatever that is.

Mr. TEMPLE. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. TEMPLE. There have been instances within my own district of rural routes which were approved by the inspector, as well as asked for by the people, and the department has informed me that they would be established as soon as funds were available, but funds were not available.

Mr. MADDEN. They may have more reports than I know of.

Mr. TEMPLE. This bill provides a larger amount than the bill of last year?

Mr. MADDEN. I will come to that in a moment and will be glad to explain it then.

Mr. HASTINGS. I would like to supplement what the gentleman from Pennsylvania [Mr. TEMPLE] has said by saying that was the only objection the Post Office Department had against the establishment of these routes at the present time—that they did not have sufficient funds.

Mr. SIMMONS. Will the gentleman yield?

Mr. MADDEN. Yes, sir.

Mr. SIMMONS. I would like to say to the gentleman that within the last 10 days the Post Office Department has told me they did not have funds with which to establish needed rural routes.

Mr. MADDEN. The revenues for 1923 received by the Post Office Department amounted to \$523,827,925.09. The operating expenses for 1923 were \$570,823,232.25, a deficit for 1923 of \$37,995,307.16. The estimated receipts for 1924—and of course they are only estimated—amount to \$568,630,000. The estimated operating expenses for 1924 are \$596,853,313.67. The estimated deficit for 1924 is \$28,223,313.67.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. NEWTON of Minnesota. With reference to the question of the difference between the receipts and the expenditures, there has been some sort of a commission appointed for inquiring into that proposition looking toward an increase in postal rates or parcel-post rates, has there not?

Mr. MADDEN. There was a commission known as the postal commission, consisting of Members of the House and the Senate, but they were not organized for that purpose; they were organized mainly to ascertain the best method of expediting the movement of the mails, especially in large cities.

Mr. NEWTON of Minnesota. The commission I have in mind—

Mr. MADDEN. That is the only commission.

Mr. NEWTON of Minnesota. It may have been the department under a special appropriation to report on second-class mail, but I thought it also included parcel post.

Mr. MADDEN. There was an appropriation of \$500,000 in the 1924 bill, placed at the disposal of the Post Office Department to ascertain the cost of handling parcel post and second-class mail. That work is in process of completion. When it will be completed I do not know, but the work is being carried on by the department employees, and I think they are making the ascertainment over in Baltimore.

A MEMBER. I was under the impression that the Post Office Department was self-supporting.

Mr. MADDEN. I am giving the committee the figures. It has never been self-supporting. But I want to say that the Post Office Department is not charged with the cost of buildings used by the Post Office Department, except where it rents the buildings. Where it rents the buildings, it pays the rents out of the revenue. Most of the buildings—all Government-owned buildings, in fact—in which the post-office business is transacted are under the Treasury Department.

The Treasury Department not only pays the cost of maintaining the buildings, the repairs, decorations, watchmen, janitors, firemen, engineers, elevator men, and all that, but it pays the cost of the fuel, heat, and light, and it is not a part of the Post Office Department expenses at all. So that if the Post Office Department had charged against its revenues all these expenses the deficit would not only be more than \$28,000,000, as it appears here in the estimates of 1924, but nobody knows just how much more it would be. On the other hand, on the credit side, the Post Office Department does this: All the departments of the Government have the franking privilege; Congress, both Houses, have the franking privilege. All of their mail is carried by the Post Office Department; it is delivered by the carriers, handled by the clerks; it is transported by the railroads, and is paid for out of the revenues of the Post Office Department without any charge being made for that service. So that I think I may be fairly accurate in saying that that service would offset the other expenses.

It has always seemed to me that the business of a great institution like this should stand on its own legs and all the expenses incident to its conduct should be paid for out of its revenues if it is a revenue-bearing institution. On the other hand, I think, for example, the War Department, the Treasury Department, and the legislative departments ought to pay to the Post Office Department a fair return for the postage which they would be compelled to pay if they did not exercise the franking privilege. There ought to be a regular settlement day somewhere to get an intelligent conception of whether we are running behind or ahead.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. BLANTON. Is not the gentleman a little inaccurate in stating it has never paid its way? Did it not during one fiscal year under Postmaster General Burleson?

Mr. MADDEN. I think the report of Postmaster General Burleson showed that it did, but I want to say to the gentleman from Texas that that year was during the war; that the Director General of Railroads, who had control over the transportation of the mails, had not rendered all the bills for that service, and so they were not incorporated in the annual expenses for that year. The next year when we got the bills there was a very large deficit, amounting to over \$100,000,000, which was caused by delay in furnishing the bills. That was not the fault of Postmaster General Burleson; it was not anybody's fault; it was caused by the war.

Mr. BLANTON. Now, concerning the grouping in this bill of the two departments in one appropriation bill, which is the first time that it has ever been done, is that in line with the demands of the Budget?

Mr. MADDEN. The Budget makes no demand on us.

Mr. BLANTON. But the Budget is trying to group all the departments in one appropriation bill. They are in favor of it.

Mr. MADDEN. No; I think that might be a good thing to do, but I do not think it is practicable.

Mr. BLANTON. When we try to group two big departments into one appropriation bill, are we not prone to overlook the rights of the rural populace in the Post Office Department?

Mr. MADDEN. No; I do not think so.

Mr. BLANTON. They are in an awful situation, and have been for two years.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MORTON D. HULL. Why do you start out with an estimated deficit of \$28,000,000? Why do you not appropriate for the estimated expense?

Mr. MADDEN. We do appropriate for all the expenses submitted to us, but the estimated revenues are not sufficient to meet the appropriations.

Mr. TEMPLE. Is not the deficit referred to a deficit of income—that is, the income of the department is \$28,000,000 less than the outlay?

Mr. MADDEN. Yes; we are appropriating for the whole expense. The Treasury Department pays the warrants of the Postmaster General against any deficit in postal receipts.

Mr. KETCHAM. Does not the gentleman think that the use of the word "deficit" in the sense in which it is here applied to the Post Office Department appropriation bill is a little unfair to the department?

Mr. MADDEN. If there is any milder term that can be used, I am quite willing to have the gentleman supply it.

Mr. KETCHAM. Upon the basis of the deficit, everything in connection with all of the other departments is a deficit.

Mr. MADDEN. That is true.

Mr. KETCHAM. I think we overemphasize the idea by calling this a deficit.

Mr. MADDEN. I think the gentleman is correct about that.

Mr. KETCHAM. Can not some new term less harsh than that be found?

Mr. MADDEN. Of course, we are not speaking in a critical way when we speak of the deficit in the Post Office Department. We do not use the word with a view to criticizing the department.

Mr. KETCHAM. It seems to me that is a point that should be taken into consideration, because the Government looks unfavorably on the Post Office Department with reference to this deficit, so called, and they fail to take into consideration the fact that all the sums appropriated for the other agencies of the Government are deficits.

Mr. MADDEN. We will be delighted to have the gentleman work that out.

Mr. KETCHAM. I think I shall have to coin a new word.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SNELL. I do not know whether what I have to say will be pertinent—

Mr. MADDEN. Oh, anything is pertinent.

Mr. SNELL. I notice there is a movement on foot at the other end of the Capitol to spend about \$50,000,000 in the District of Columbia in the construction of new Government buildings. Is the gentleman in favor of such a movement when there are several places in the United States where, because of lack of Government facilities, we are sorting the mail out on the sidewalk?

Mr. MADDEN. I am very frank to say that there is no more reason why the District should be especially favored than there is why New Orleans, New York, Atlanta, San Francisco, or some other city somewhere else in the United States should be favored. There is a great dearth of buildings everywhere, in the District as well as everywhere else, and this was caused largely by the fact that we would not allow any buildings to be erected anywhere in the United States during the war unless those buildings were to be erected for war purposes. During the war the cost of buildings went up to about 249, assuming 100 as the basis. During that time they would not let anyone build even a schoolhouse. The only kind of schoolhouse that they would allow to be built was one of these wooden perambulators, which you could move from one corner of the street to the other. After the war was over the housing facilities were so meager that people did not have anywhere to go. The cost of building still maintained its high level, and a little later on it went down to about 166, and when it reached that point all of the people who needed houses everywhere in the United States started to build. They started to build and there has been the greatest building boom that the United States has ever known.

The cost of labor and the cost of materials of all kinds entering into building construction has gone up until to-day

it is over 200 per cent because of the boom. A great many suggestions have been made that we should go on and erect a lot of buildings for public uses, and it is not denied that these buildings are essential and necessary for the public service, but we must face the fact that the people of the United States maintain the Government, that they pay the bills, and that these people at this time are now trying to construct for themselves homes at the excessive costs that exist to-day. If the Government of the United States were to enter into competition with them by starting on a program of public building, it would increase the cost of every home that is in process of erection, and add one more burden to the already great burdens that are being carried by the taxpaying public. So I say that we ought not to construct public buildings anywhere, either in Washington or anywhere else, until the private needs of the people of the United States are supplied. When that is done the excessive cost will drop and labor will not be so plentifully employed in the building trades. Then it should be the function of the Government to employ the labor in the erection of a system of buildings needed for the public service throughout the United States. We would then be able to get the labor at a normal cost without going into competition with our own people.

Mr. SNELL. I entirely agree with the gentleman, but when we do start that program it seems to me that we should take the emergency situations first rather than to enter upon an extensive program of building here in the District of Columbia.

Mr. MADDEN. I agree with the gentleman.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SNYDER. Referring to the revenue of the Post Office Department, I noticed in the papers this morning that the Postmaster General has issued an order that newspapers be carried as first-class mail. Will that bring in any appreciable increase in revenue?

Mr. MADDEN. I would not think it would add much to the revenue. Of course it will add to the convenience of the reading public.

Mr. SNYDER. It is done more largely for the convenience of the public than with a view of increasing the revenues?

Mr. MADDEN. Yes.

Mr. CULLEN. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CULLEN. I think the statement the gentleman has made in regard to the building situation throughout the United States is an accurate one, but I want to get at something else. What would be the gentleman's opinion in respect to the completion of Government buildings? In other words, where an appropriation of three or four hundred thousand dollars would complete a building and put it into condition whereby other governmental agencies could rent it, what would the gentleman think in respect to that?

Mr. MADDEN. I think that wherever we have a building in process of erection which needs a little money to complete it, it ought to be supplied.

Mr. CULLEN. Right along that line we have a post-office building in the city of Brooklyn which was erected and opened to the public in 1892 when there was a population there of seven or eight hundred thousand. The population there to-day is 2,000,000 people.

Mr. MADDEN. But that is not the completion of a building.

Mr. CULLEN. There is a wing on that building, and with an expenditure of \$300,000—and it is owned by the Government—it could be practically completed and governmental offices could be installed there, and instead of having the Government rent in other buildings the Government could have them housed there and would make money on the proposition. Of course, that is the situation which exists, more or less, throughout the whole country.

Mr. MADDEN. Of course that is true, but every dollar we would make, if we undertook a general program, would be at the expense of the people who maintain the Government.

Mr. CULLEN. Well, the chairman is a good business man and I have great respect for his judgment in regard to business proposals.

Mr. MADDEN. I will say at Chicago—but I do not want to refer to the city I come from—we have a building we went into in 1907 when the revenue from our Postal Service was about \$12,000,000, and it is now about \$60,000,000, and we have been handling the mail on the sidewalk. We have not been able to get a building, and you can not get a building on its merits, or rather you have to get a building in an omnibus bill, and many things will go into an omnibus bill that perhaps ought not to go in.

Mr. CULLEN. What I wanted to get was an expression of opinion from the gentleman in regard to that particular point.

Mr. MADDEN. On the particular point mentioned by the gentleman?

Mr. CULLEN. No, generally; I will take it generally, because from a business standpoint if we can save anywhere from \$35,000 to \$65,000 a year on an investment of \$400,000 it is a pretty good percentage, and is very good business, and should be considered.

Mr. MADDEN. If you can get Congress to carry out a policy of that kind, I would be for it every day in the week.

Mr. CULLEN. I think so.

Mr. MADDEN. But I do not think the gentleman could come in with a bill for the enlargement of the Brooklyn post office and could pass it; neither could I come in with a bill for the enlargement of the Chicago post office and get it passed. There are 435 other men who think their case is as good as ours, and they have their rights.

Mr. CULLEN. That is true, and quite natural, as we are all selfish in that regard.

Mr. MADDEN. That is why we do not get anywhere.

Mr. BRIGGS. Will the gentleman tell us to what cause the \$28,000,000 deficiency in the postal revenue is due and just where?

Mr. MADDEN. It has been going on as long as the Post Office Department has existed. That may be due in a sense to the fact we are not getting enough for the handling of the mails—the parcel post, for example. I do not know. I do not know what the rates should be. They are working on an ascertainment now to see whether the parcel post is paying its way, and whether it ought to pay more than it is paying, and whether we can afford to increase the cost of handling the parcel post. Nobody seems to know just what section of the departmental activities is the one in which the losses are sustained.

Now, the estimates for personal services for the entire department in the District of Columbia were submitted in one sum. The committee is of the opinion that each bureau should reflect its real activities and has divided the lump-sum estimates into 10 separate appropriations. Each office and bureau now carries the amount necessary to pay all supervisory officials and clerks employed therein. That is in the bill I submit. The appropriation for contingent expenses for the department in Washington is \$85,500 less than the 1924 appropriation. It is due principally to the reduction of \$75,000 in the printing and binding item. Heretofore the bonus has been appropriated for separately each year. The appropriations for personal service for 1925 cover the actual expenditures that will be made. This is due to the classification act.

The estimates for the field service, 1925, amount to \$609,495,311.50. The amount recommended in this bill is \$606,403,674.60, which is \$24,684,713.10 more than the current appropriation, and \$3,091,636.90 less than the estimates. The increases granted in the bill are largely occasioned by two factors, namely, the increase in the postal business and the amount necessary to cover automatic promotions provided by law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask unanimous consent for 20 additional minutes.

The CHAIRMAN. Is there objection to the gentleman having 20 additional minutes? [After a pause.] The Chair hears none.

Mr. MADDEN. The Postal Service is divided into classes—clerks of grade 1, 2, 3, 5, except the rural service. The carriers are in the same category. The entrance salary is \$1,400, and each year of service entitles the clerk or carrier to go to a higher grade, giving him \$100 more, so in about four or five years they go up automatically from the entrance salary to \$1,800. Then of course there are other grades such as special clerks getting \$1,900 and \$2,000, supervisory officials running as high as \$4,800. The increases are largely occasioned by those two factors, increase in postal business and the amount necessary to cover automatic promotions which have been provided by law. There is no escape from that. The law leaves nothing discretionary with the administrators. The promotions are provided and all a man needs to have to entitle him to promotion each year up to the top is a record for good service.

The principal items of increase are as follows: Clerks and employees, first and second class post offices, we have an increase of \$8,484,500. This appropriation covers all clerks and supervisory officials except the postmasters and assistant postmasters at first and second class offices. Consolidated with

this item is the auxiliary clerk, clerk hire which has been carried separately heretofore and amounting this year to \$8,500,000. This large increase is necessary to provide for about 2,000 additional clerks for 1925, and the constantly increasing need for service on account of the increase of business.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes; I yield.

Mr. JOHNSON of Texas. I just wanted to ask whether or not the amount appropriated contemplated an increase of salary, or only an increase in the number of employees?

Mr. MADDEN. Of course we do not increase the salary. We have no jurisdiction over that.

Mr. JOHNSON of Texas. But I understand you set aside an amount that contemplates an increase, or is it based upon the present salaries?

Mr. MADDEN. It is based altogether on the present salaries and upon the salaries that will come as the result of the automatic promotion. The salary, for example, may be for 50,000 men; 10,000 may be in grade 1, at \$1,400 a year, and 10,000 in grade 2, at \$1,500 a year, and 10,000 in the other grades.

Mr. JOHNSON of Texas. There is a bill pending here to increase the compensation. I did not know whether the gentleman has taken that into account or not.

Mr. MADDEN. No. This bill has no jurisdiction over that.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. NEWTON of Minnesota. I do not know whether the gentleman intends to cover this and will take it up later; but I notice the item, under the Postmaster General, of clerks in charge of contract stations. There appears to be a decrease of \$125,000.

Mr. MADDEN. Yes; a decrease of \$125,000 from the Budget Director's recommendation and \$50,000 increase over the estimate for 1924. As to contract stations, of course, the gentleman understands what they are. They have had all the money they needed for all the contract stations that they have.

Mr. NEWTON of Minnesota. This other item in reference to the deliveries of letter carriers seems to me much more important.

Mr. MADDEN. I will get to that.

Mr. NEWTON of Minnesota. Yes. I did not want to anticipate the gentleman.

Mr. MADDEN. The letter-carrier service is increased \$6,300,000; that is, we have added that much to the 1924 bill. Consolidated with this appropriation is the appropriation for substitute letter carriers and letter carriers in the offices. The aggregate increase for the two items is \$8,500,000. This increase is to provide for the appointment of 700 additional carriers for 1925 and to pay for all the automatic promotions in the carrier service. There has been no reduction, practically, from what they asked.

Mr. NEWTON of Minnesota. There is \$400,000 less than what the Budget provides for, and the Budget has pared almost down to the bone on that question.

Mr. MADDEN. I do not think so. We went into that carefully.

Mr. NEWTON of Minnesota. That branch of the Government service that we see most of is the carrier service. We see the carriers.

Mr. MADDEN. Yes; we see the carriers, and they come out in the sunshine and in the rain, and they are modest and polite and efficient, and the people think the carriers are the Postal Service.

Mr. NEWTON of Minnesota. It is the very best branch of the service we have got.

Mr. MADDEN. Yes; they are lovely.

Mr. NEWTON of Minnesota. The gentleman's committee is sympathetic with the project, and I hope he has not been too close on that proposition.

Mr. MADDEN. They only asked for 700, and we gave them to them.

Mr. NEWTON of Minnesota. Do you allow them leave and sick leave with the 700?

Mr. MADDEN. Yes. We have put the auxiliary and permanent forces together so that they can interchange one with the other, and pay them when they are off on sick leave with pay, and off on vacation with pay. They can operate the two forces much more economically when the two forces are combined than when they are kept separate.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. The gentleman from Minnesota can not blame the gentleman from Illinois for being interested in the carriers because they are the best advertisers that the Congressmen have. I want to ask the gentleman in regard to their request for equipment allowance.

Mr. MADDEN. That is the rural carriers?

Mr. BLANTON. Yes; that is the rural carriers. Let me ask the gentleman this question along the line of the general bill. The gentleman knows better than anybody else in the United States that neither the Mellon plan, nor the Garner plan, nor the Frear plan, nor any other plan is going to reduce permanently taxes as a general proposition unless we reduce the appropriations.

Mr. MADDEN. Yes. The appropriations are the things on which the taxes are based.

Mr. BLANTON. Yes; and if the committee continues to bring in appropriation bills and will not let us Members reduce the items except upon points of order when we can enforce them, and allows Members to come in here and put back 24 land offices in a bill, how can we reduce taxes and appropriations?

Mr. MADDEN. I am not going to be technical about ways to reduce.

Mr. BLANTON. The committee will not let us reduce the bills, but they will let the membership raise them and put back anything they want.

Mr. KING. The gentleman did not have enough votes.

Mr. BLANTON. They promised they would give us enough votes.

Mr. MADDEN. We are allowing \$3,150,000 more for transportation on the railroads than we carried in the bill for 1924. This increase is to take care of an additional amount of mail and also to meet the increase in the rates granted to the railroads by the Interstate Commerce Commission. It may not be generally understood that the rates paid to the railroads by the Post Office Department for the transportation of the mails are fixed by the Interstate Commerce Commission. When the space base plan was adopted I was a member of the Committee on the Post Office and Post Roads, and I was, in a large measure, instrumental in helping to have the space plan adopted. Prior to that time we paid for the movement of mails by the ton. Now we pay for it by the car. We use the car, and can load it up from the floor to the roof; but we have to pay for that car, whether on the return trip back it has any mail in it or not. We fixed rates in the law, but the law when finally enacted provided that those rates were subject to review by the Interstate Commerce Commission. They have been reviewed by the commission several times, and only recently they authorized an increase of about 10 cents per car in some sections of the country; and that adds, of course, to the cost.

We are increasing the appropriation for the Railway Mail Service \$1,599,000. That is for the Railway Mail Service as distinguished from railway mail pay. One is to pay the cost for transportation, which is railway mail pay, while the Railway Mail Service covers the pay of the men who are employed in the service. This increase is to provide for about 300 additional clerks and also to provide for the automatic promotions which will occur under the act during the year.

The bill carries \$1,000,000 for the payment of the balance due foreign countries for the movement of mails under the Postal Union. Almost all of the important countries of the world are in the Postal Union, and every year they hold a convention for the purpose of fixing the rate to be charged for the interchange of mail. Each country is required to deliver its mail to the port of entry without any charge, where it is picked up by the country in which it is to be delivered. Then that country takes it across its own territory and delivers it to new territory, if it is going to some other country. We take the mail of foreign countries and transport it across the American Continent, and we pay the difference which we owe the other countries, and such a settlement is made by each of the countries for the difference owed other countries. Many of the differences have not been settled since the war because of the complications which arose during the war, and because these differences have not been settled there is a resulting need for an additional appropriation of \$1,000,000, that money to be used in settling these balances.

The committee has recommended an additional \$1,350,000 for rural-carrier service. I think I hear somebody saying "amen." Substitute service is also paid out of this appropriation. I am told that \$1,350,000, in addition to what has already been appropriated for 1924, will be ample to meet every need of every section of the country and to institute all

the needed rural-carrier service where applications have been approved.

Mr. KETCHAM. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. KETCHAM. Reverting for just a moment to the provisions for automatic increases—

Mr. MADDEN. There are no automatic increases in the rural carrier service.

Mr. KETCHAM. I mean the automatic increases for city carriers and clerks. Has the committee given any consideration as to the time when that appropriation will reach its maximum? Is there a time, for instance, when the number of those coming into the service in contrast with those who advance to the higher grades will balance, so that no additional appropriation will be required?

Mr. MADDEN. No; that will always go on, as the service increases, and it increases about 7 per cent every year. New men will come in at the bottom and move up toward the top; men will go out at the top, go out at the middle, and out at the bottom all the time, so that the turnover makes necessary the induction of an increased number of new men every year. They go in at the bottom, as I say, and then they automatically go up. I will say to the gentleman that we have, as an example, 61,995 clerks and supervisory officers in the first and second class offices of the United States; 49,169 of that total are clerks and 27,242 of the 49,169 are in the top grades and the rest are distributed down among the other grades.

Mr. KETCHAM. Will the amounts specified in the bill this year be about the average amounts which, in your judgment, will have to be specified each year in order to care for that item?

Mr. MADDEN. No; they are not specified in this bill. It is all figured out definitely and concretely as to how many are entitled to go up.

Mr. KETCHAM. The point I was getting at was this: May we anticipate that there will be an increasing amount each year or is this about the average?

Mr. MADDEN. The amounts will be increasing all the time because, as I say, there is about a 7 per cent increase every year in the business of the Post Office Department. For example, I went on the Post Office Committee about 13 or 14 years ago and served on it for 10 years. When I went on the committee the business of the Post Office Department was about \$150,000,000, while to-day the business amounts to something like \$620,000,000. So it is growing all the time, and consequently the force is growing as the business of the Post Office Department increases.

Mr. ALLGOOD. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ALLGOOD. I notice the committee recommends an increase of \$6,300,000, I believe it is, for the City Delivery Service.

Mr. MADDEN. Yes.

Mr. ALLGOOD. And only an increase of \$1,350,000 for the Rural Delivery Service.

Mr. MADDEN. Well, I will say to the gentleman that the increase we are recommending will meet every need of that service. We are giving every dollar they need.

Mr. ALLGOOD. It seems to have been brought out here this afternoon that there were additional routes being asked for and being turned down.

Mr. MADDEN. We have given them \$1,300,000, most of which will be used for that purpose.

Mr. ALLGOOD. Does it not seem that as much of an increase should be given for the Rural Delivery Service as for the City Delivery Service?

Mr. MADDEN. It is not a question of what it seems; it is a question of what the facts display.

Mr. ALLGOOD. It looks to me as though there should be as much allowed for the Rural Delivery Service as for the City Delivery Service.

Mr. MADDEN. The gentleman would not want to do that unless it were necessary to do it, would he? The gentleman does not want to put figures into the bill just because he thinks they ought to go in?

Mr. ALLGOOD. It may be a question whether they need \$6,000,000 additional in the cities or not.

Mr. MADDEN. I am giving the gentleman my word that they do. We do not put it in the bill in a haphazard way; we put it in after very careful deliberation and consideration, calculating every penny of the money. We do not come before the House with any wild dreams about what is in the bill. We are here to serve the gentleman and everybody else here as best we know how; we are the servants of the House.

Mr. ALLGOOD. About 50 per cent of our people are rural people.

Mr. MADDEN. I know, and they are getting their fair share of the money; that is being done.

Mr. ALLGOOD. It looks to me as though the rural service is not getting an equal share.

Mr. MADDEN. I do not think the gentleman is fair when he makes that statement. Of course, the gentleman must realize that there are no automatic promotions in the rural service.

Mr. ROACH and Mr. LEAVITT rose.

The CHAIRMAN. Does the gentleman yield; and if so, to whom?

Mr. MADDEN. I will yield to the gentleman from Missouri [Mr. ROACH].

Mr. ROACH. There are two inquiries I wish to make of the gentleman. First, it is my information that the rural carrier service has been requesting something like a 6 per cent increase for equipment.

Mr. MADDEN. I will say to the gentleman that the request has been pending ever since I have been a Member of Congress; that is, ever since the rural service was started. It came before us when I was a member of the Post Office Committee asking \$750 a man for equipment every year, and it has run down from \$750 to \$200 or \$300. If you ever establish a policy of allowing a separate item of expense for equipment in the rural service, it will not be more than five years until the equipment appropriation will be more than the appropriation for pay of the men, and they will not stop there. They will want increased compensation for their own services, and each one of the appropriations will be greater than all ought to be before they get through.

Mr. ROACH. If the gentleman pleases, I had no intention of debating the merits of the matter. I merely wanted to inquire what the increases provided for here covered with respect to that particular matter.

Mr. MADDEN. No; we did not provide for that and you can not do that without a new provision of law.

Mr. ROACH. You have answered my question. Now I have one further question, please.

Mr. LEAVITT. That answers the question I had in mind.

Mr. ROACH. I would like to inquire about the matter of payment of rewards. While it is a very small matter, to my mind it is a very important one, because it involves the integrity of the Government in keeping its promises. My attention has been called to the fact that for the year 1923, and I believe also for 1924, the Government is behind some several thousand dollars for each one of those years in the payment of rewards offered for the detection of crime against the Postal Service. I merely wish to inquire of the gentleman if the appropriation carried in this bill is adequate and sufficient to clean up these past due and overdue obligations of the Government which should be paid.

Mr. MADDEN. I do not agree with the gentleman's premise. In the first place, I do not agree that they are overdue, and I do not agree that they are due at all, or that they ever should have existed. I do not agree to that.

Mr. ROACH. Perhaps the gentleman does not understand me.

Mr. MADDEN. I do, and if the gentleman will let me answer the question—

Mr. ROACH. If the Government offers me a reward for the apprehension of a criminal and I apprehend him, the Government is derelict in its duty and in the payment of its obligations if it does not pay me, as a private citizen, for that service.

Mr. MADDEN. Does the gentleman want to answer the question and ask it too?

Mr. ROACH. I do not want to answer the question, but I want to state what my information is and then ask whether or not the appropriation carried here is sufficient to pay these obligations.

Mr. MADDEN. Mr. Chairman, I do not yield for all this discussion.

Mr. ROACH. If the gentleman does not wish to furnish the information—

Mr. MADDEN. I am going to furnish the information, but the gentleman will not stop long enough for me to give it.

Mr. ROACH. You will not stop long enough for me to state my question.

Mr. MADDEN. You will not allow me to answer your question.

Mr. ROACH. The gentleman need not yield to me.

Mr. BLANTON. Mr. Chairman, I make the point of order that is not proper. The gentleman from Illinois is the fairest man in the House about yielding.

Mr. MADDEN. The gentleman from Missouri has not asked a question about anything that exists. He asks when is the Government going to pay its legitimate obligations?

Mr. ROACH. No; I asked if you had provided for these obligations in this appropriation bill.

Mr. MADDEN. You said they were legitimate obligations.

Mr. ROACH. The Post Office Department has so declared them to be.

Mr. MADDEN. I say they are not legitimate obligations. One of the Postmasters General, without any authority of law, offered rewards of \$10,000 in individual cases for information to be furnished leading to the conviction of the person against whom the information was supplied. The Postmaster General had no authority whatever to make any such promise and no such promise was ever made by any other Postmaster General, and when that matter was submitted to the Committee on Appropriations—

Mr. HASTINGS rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Oklahoma?

Mr. MADDEN. Just a moment. Let me answer this question. When that matter was submitted to the Committee on Appropriations, as the representatives of the American taxpayers, we declined to ratify it, and we fixed a limit beyond which the Postmaster General could not go, and we do not owe anybody anything that has not been paid. What we did was ratified by Congress. We came in here with a recommendation and we directed the Postmaster General in the future not to do what he had done in the past, and the gentleman's statement to the effect that these are Government obligations and legitimate obligations, long past due, is not a fact. The gentleman now knows what the facts are. I have given them to him.

Mr. RAMSEYER. Right on that point, is it the gentleman's contention that the rewards offered by this particular Postmaster General, whom he referred to, not naming him, were illegal because he had no legal authority to offer them?

Mr. MADDEN. Certainly.

Mr. RAMSEYER. And that is the reason the committee refused to pay them?

Mr. MADDEN. Certainly.

Mr. HASTINGS. Will the gentleman yield for just one moment?

Mr. MADDEN. Yes.

Mr. HASTINGS. I notice from an examination of the hearings, there has been \$750,000 additional allowed for rural mail service and it is estimated there will be 1,100 new routes, but what I want to call the chairman's attention to is the statement made by the representative of the Post Office Department, found on page 255 of the hearings, as follows:

We have already in the office, approved and ready for authorization, 496 cases which have been reported by the inspectors.

And then the representative of the Post Office Department further in the same page made this statement:

In addition to that, we have now in the hands of inspectors 405 cases that have not been reported upon.

I want to also invite attention to this further statement by a representative of the department, found upon the same page in the hearings, and this is what some of us are objecting to, Mr. Chairman, as follows:

We have been curtailing this appropriation for two years in order to get along with the President in his plan of trying to balance the Budget.

And then a question by the chairman:

That is what we have got to do.

Then the representative of the Post Office Department made this statement:

We turned in an unexpected balance—

It perhaps should have been unexpended.

Mr. MADDEN. Unexpended, of course, is what was meant.

Mr. HASTINGS (reading)—

Balance of \$782,375 in 1923, which we could very well have used to establish meritorious routes.

Mr. MADDEN. Well, why did they not do it? We did not stop them.

Mr. HASTINGS. That is what some of the Members of Congress complain about.

Mr. MADDEN. There is no use talking to me about that. I do not administer the Postal Service.

Mr. HASTINGS. I asked the chairman of the committee if an adequate appropriation had been made.

Mr. MADDEN. I said they had enough money, did I not? Now, the gentleman admits I told the truth. I told the gentleman some time ago that there was an adequate appropriation for the establishment of rural routes. The gentleman did not think what I said was accurate. Now the gentleman reads a statement from one of the post-office officials to the effect that they turned in \$782,000, a balance of unexpended money, which indicates that what I said was correct.

Mr. HASTINGS. What I wanted to call attention to was the four hundred and odd thousand dollars of routes that were approved and yet not established.

Mr. MADDEN. I agree to that. I said there was enough money there to do it.

Mr. HASTINGS. What we are criticizing is the department in not expending the amount of money that is appropriated and keeping it intact as unexpended.

Mr. MADDEN. I am glad the gentleman is not criticizing the committee for not giving them the money.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SHALLENBERGER. The rural carriers seem to have plenty of friends here, but I would like to ask in regard to the item in relation to the pay of the railway mail clerks. Is there any increase of pay for them?

Mr. MADDEN. No increase of pay here; this committee has no jurisdiction over pay increases; that belongs to the Post Office Committee.

Mr. WINGO. Has not the committee the power to deal with the refusal of the department to carry out the spirit of the law after the establishment of these routes?

Mr. MADDEN. I would be glad to cooperate with the House in any way that it can be done.

Mr. WINGO. It is intolerable to have one department writing that Congress has not appropriated enough money to give this service and then coming here and bragging about the economy that they practice at the expense of the rural districts in the mail routes. If I were chairman of the Committee on Appropriations with my party in power, I would have something to do with these gentlemen who come out and attack Congress, charging that it fails to appropriate money when they have money for the purpose in their possession.

Mr. MADDEN. If any gentleman in the House wants me to cooperate to see that this money is expended for the purpose for which it is appropriated, I should be glad to cooperate, and I will help in any way that is possible.

Mr. WINGO. What does the gentleman think of the department giving out a statement like that when they have an unexpended balance in their possession and then bragging about it?

Mr. MADDEN. I do not think that anybody ought to make such a statement.

Mr. WINGO. If the gentleman challenges the statement, I can give him documentary evidence.

Mr. MADDEN. I am not challenging the gentleman's statement. I said I did not think the department ought to do it.

Mr. WINGO. If I were chairman of the Committee on Appropriations I would compel it to adopt a different policy.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. I will yield to the gentleman.

Mr. BLANTON. The gentleman will remember that the last bill gave the department \$375,000 for emergency cases in building extensions, and with a limit of \$20,000. That was just prior to the war in 1913 and numerous buildings were authorized to be constructed. The war came on, and the estimates had to be withdrawn because of the inflated prices of materials and conditions. The department asked for an additional sum. In many cases this congested character could be removed by spending from \$10,000 to \$20,000, and yet the department says, "We have not got the money"; that the \$375,000 had been gone long since, and we could not get any money from the Appropriations Committee, and could not grant the extensions whereby the congested conditions could be relieved.

Mr. MADDEN. We have appropriated \$370,000, or some such matter, every year.

Mr. BLANTON. How much is carried in this bill?

Mr. MADDEN. Three hundred and fifty thousand dollars, if I recollect right.

Mr. BLANTON. An official of the department—McKenzie Moss—told me and one of our Senators the other day that he has propositions enough already approved to more than take up the \$375,000 right now, and lots of them that have not been passed upon. We ought to remedy that situation right here in this bill.

Mr. MADDEN. We have not reached that item yet.

Mr. BLANTON. But the gentleman will probably not be on the floor when we reach it.

Mr. MADDEN. Yes; I shall be on the floor; I am going to be in charge of the bill.

Mr. BLANTON. I know the gentleman has always been a friend of the Post Office Department.

Mr. MADDEN. Now, I would like to make some general observations on the finances of the Government. The total appropriations in 1924, excluding postal appropriations, was \$3,278,434,968.62. That is for all Government purposes. The total Budget estimate for 1925 is \$3,018,069,446.06. The decrease in the Budget recommendation for 1925 under 1924 appropriations amounts to \$260,365,022.56. The postal appropriations for 1924 were \$585,210,239.50. The total postal estimates for 1925 are \$613,093,183.50, and the increase for Postal Service recommended in the Budget is \$27,882,944.

The grand total for 1924, including the Post Office Service, was \$3,863,645,208.12. The grand total for 1925, as estimated by the Budget, including the Post Office Service, is \$3,631,163,129.56, or a decrease for 1925 under 1924 of \$232,482,078.56. The estimated receipts for 1924 are \$3,894,677,712 and the estimated expenditures are \$3,565,038,088. The estimated surplus for the fiscal year 1924 is \$329,639,624. For 1925 the estimated receipts are \$3,693,762,078, the estimated expenditures are \$3,298,080,444, and the estimated surplus \$395,681,634.

The public debt at the peak in August, 1919, was \$26,500,000,000. The public debt on December 19, 1923, was twenty-one billion nine hundred and fourteen million and odd dollars. The beginning of the calendar year 1923 found the Nation with a public debt of \$22,987,000,000 and the close of the calendar year 1923 found the public debt had been reduced by \$1,071,000,000, leaving \$21,916,000,000. That shows a total decrease of approximately \$4,500,000,000 in the public debt since the close of the war.

The annual interest paid for the fiscal year 1920 was \$1,024,000,000. The interest payment for the fiscal year 1925, the year for which we are now appropriating, is estimated to be \$890,000,000, showing a decrease in the annual interest charge of \$134,000,000. The Budget for 1925 followed that for 1924, and has been pared down very close, and it should be held there by Congress and should not be materially increased. The little margin in the 1925 estimated surplus of \$395,000,000, of which over \$300,000,000 would be wiped out if the tax reduction is passed, will not be much, for it will not be more than \$95,000,000.

Mr. KETCHAM. Were the estimates for the receipts of the calendar year 1925 based on the present revenue law or on the prospective new revenue law?

Mr. MADDEN. They are based on the present revenue law. The committee in recommending bills thus far has held the bills under the 1925 Budget recommendations, and it will endeavor to continue to do so with all of the bills it reports. If these bills carry amounts over the Budget recommendations when they are finally completed, it will not be because the Committee on Appropriations has recommended it. It will be because the House and the Senate in their wisdom have not agreed with the committee. Of course, whatever the House and the Senate do we consider to be wise. We always agree with what they do after they do it. We may not agree with them when they start to do it, but after they have done it we become a part of it and we fall in line for it.

There is a great deal of legislation pending, much of which will involve large expenditures if enacted into law. We can not afford to place any large number of obligations against the 1925 surplus, because if we pass the tax-reduction bill and take \$300,000,000 away from the anticipated surplus of \$395,000,000, there is but \$95,000,000 left. I think the country ought always to keep itself hard up. Large surpluses always breed extravagance. They often breed waste and they often breed corruption. I am in favor of keeping as close to the wind as we can, so that when we come in here and tell Members of the House that the Government is hard up we will be telling them the facts. I know the country wants tax reduction, and no amount of financial jugglery under the conditions proposed for 1925 will permit of a substantial tax reduction in order to meet the public demand and at the same time permit any greatly increased expenditures. We might just as well face the facts.

You can not have your cake and eat it too. Of course, we all get demands every day for increased appropriations and at the same time we get demands for decreased taxes. If anyone can show me how you can get a patent right on doing both things, I shall be very happy, because I should like to accommodate both sides. However, if I can not accommodate both, then I want to accommodate the fellow who pays the taxes by giving him a cheaper government. You can not make appropriations without levying taxes.

I remember once a man coming over from New York to see me when we were making up the appropriation bills last year. He was very much concerned that we did not provide for a national conservatory of music. He said that we ought to establish such an institution in the city of Washington and that we ought to have it free of admission for students from all sections of the Nation. I asked him whether they did not have such an institution in New York, and he said yes; they had a very fine one. The statistical abstract was lying on my table. I picked it up and looked at it and said, "Don't you know that the country is paying more than a billion dollars every year for public education and that the people of New York State pay 25 per cent of all the taxes paid into the National Treasury?" He looked at me somewhat in surprise, and I continued, "If we take over these other activities, then the people of New York will have to add 25 per cent of the cost of whatever these activities amount to to their annual tax payments. I wonder if you realize that you can not do the things you want without levying a tax to meet the obligations?" He said to me, "Mr. Chairman, I never thought about these things in terms of taxes. I am very much obliged to you." He then put on his hat, shook hands with me, and said as he left, "I shall go back and tell my people we ought not to try to do this."

Some women were in to see me the other day who wanted appropriations for some things that I did not entirely agree to. They were not very happy when they were going out. They were very nice women, very patriotic and public-spirited, and they were doing a good work. I believe in their activities, but I do not believe that we ought to appropriate the money for the things they were advocating at this time and told them why. I walked to the door with them when they were going out and bade them good-by and said to them, "Ladies, you ought to be very happy." They said, "Because you have refused to give us this appropriation?" I said, "Yes; because I have saved you the payment of a tax by refusing the appropriation." They then said that they had never thought about it in terms of taxation.

Now, if we only couple these appropriation demands with the knowledge and experience we have, that it means a tax, and we can educate our people into that thought, we have done something for the Nation.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. I will yield.

Mr. BLANTON. Speaking of women, there are down here in the Bureau of Engraving and Printing eight good women who have been there for years, drawing \$50 a month from the Government for all of their time. One of them has been there 32 years consecutively. I was wondering if they were the women the gentleman turned down?

Mr. MADDEN. No, no; they were not women looking for an appropriation for themselves; they were looking for a general appropriation.

Mr. BLANTON. I think we ought to look after the eight. They can not live on \$50 a month.

Mr. MADDEN. I do not think anybody can. Now, let me give you some more figures that may be interesting, and then I will not take more of your time for the afternoon. I was reading the report of the National Industrial Conference Board the other day and I found these significant figures: The Federal, State, and local taxes for 1913 aggregated \$2,194,000,000. The national income for that year was \$34,400,000,000. The tax amounted to 6.4 per cent of the income. For 1922 the Federal, State, and local taxes amounted to \$7,061,000,000 as against \$2,194,000,000 in 1913. The national income for 1922 was estimated at \$58,500,000,000. The percentage of tax to national income for 1922 was 12.1 per cent, just double what it was in 1913. Here are some significant figures: For 1912 the debt of State governments was \$422,796,000. For 1922 it was \$1,162,648,000, or an increase of 175 per cent. Those are State governments. The debt of counties of the United States for 1912 was \$371,528,000 and for 1922 it was \$1,366,636,000, or an increase of 268 per cent. Cities and all other civil divisions, 1912, \$3,104,426,000; for

1922, \$7,731,658,000, or an increase of 149 per cent. The total debt of State governments, cities, and counties increased from \$3,898,750,000 in 1912 to \$10,260,942,000 in 1922, or 163 per cent.

The Federal Government for 1912 had a debt of \$2,916,205,000. That is the amount of the debt, and in 1922 the Federal Government's debt was \$22,525,773,000, or an increase of 672 per cent. Of course, that includes the obligations due to the war in which we were engaged, and in connection with which the amount the Government is owed, including interest, about eleven and a half billion dollars.

Mr. RAMSEYER. Will the gentleman yield?

Mr. MADDEN. In a minute I will. The grand total was \$6,814,955,000 in 1912, and it was \$32,786,715,000 in 1922, or an increase of 381 per cent. Now I will yield.

Mr. RAMSEYER. That statement was from the Department of Commerce. I got it and I noticed the statement that the debt of 1912 was \$2,000,000,000.

Mr. MADDEN. That can not be right.

Mr. RAMSEYER. That is what I was calling to the gentleman's attention.

Mr. MADDEN. I said I took the figures from the report.

Mr. RAMSEYER. I received the statement, of course, from the Treasury Department a year or two ago when I wrote it up as being something like a billion dollars.

Mr. MADDEN. It was less than a billion dollars.

Mr. KETCHAM. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. KETCHAM. In that connection, has the gentleman any statement he can make to the committee at this time concerning our annual ordinary peace-time increase of the Government expenditures outside, of course, the war expenditures, which, of course, in the ordinary course of things are very great?

Mr. MADDEN. There is very little increase in the cost of government except the natural increase caused by the development of the Postal Service, which is gradually growing at the rate of about 7 per cent a year, and the additional cost due to increased compensation paid to employees of the Government as compared to what they were before the war, and the increased cost of supplies purchased by the Government, which are about twice what they were before the war; and, of course, if it were not for these increases we would be down, except for the fixed charges, to the pre-war basis. The Army and Navy have about \$550,000,000 for the current year, and all the other Government activities, outside the fixed charges—the fixed charges being interest on the public debt and sinking fund and care and maintenance of wounded soldiers, hospitalization, vocational training, allotments, and allowances, and all that, which are fixed charges—are about \$475,000,000.

Mr. KETCHAM. My recollection is that in 1916 our total expenditures for all Government activities were \$1,072,000,000.

Mr. MADDEN. About that.

Mr. KETCHAM. Now, what would be the chairman's judgment as to the present expenditures for these same activities, based in terms of per cent?

Mr. MADDEN. Of course, we have doubled the amount for the War Department and we have doubled the amount for the Navy Department. As I recall, the two departments combined in 1916 required \$249,000,000, just quoting from memory, and now these two departments cost about \$550,000,000, and everything else in proportion.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MADDEN. I would like to have two minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MADDEN. The increase in 1925 estimates over 1924 appropriations for the Postal Service is \$27,882,944. The decrease in all Budget estimates, other than Postal Service, for 1925 under 1924 is \$260,365,022.56, or a net decrease, deducting the postal increase, of \$232,482,078.56. The principal decreases estimated for the conduct of the Government for the year 1925 are as follows, and these figures may be interesting:

Veterans' Bureau, \$82,449,053.

Shipping Board, \$20,000,000.

Federal roads aid, \$15,800,000.

Pensions, \$23,000,000.

Increase of the Navy, authorized ship construction, \$8,747,000.

Rivers and harbors, \$19,589,910.

Purchase of Liberty bonds from foreign repayments, \$37,854,500.

Interest on the public debt, \$50,000,000.

Two hundred and forty dollars bonus for field employees, carried in 1924 and not estimated in the Budget for 1925, approximately \$26,000,000; or a total reduction in Government activities as recommended by the Budget for 1925 under 1924 of \$283,440,463.

Mr. ROACH. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ROACH. I understood the gentleman to state a moment ago that the public debt had been decreased last year by something over \$1,000,000,000.

Mr. MADDEN. Yes; \$1,071,000,000.

Mr. ROACH. Now at that rate less than 20 years' time would be required to entirely wipe out the public debt.

Mr. MADDEN. We have a contract with England under which we will get about \$160,000,000 a year. That would go toward the payment of the debt. Then we have a sinking fund of \$310,000,000, and we have profits on the Federal reserve banks and capital stock.

Mr. ROACH. The question is, Are we not trying to reduce too fast in getting rid of our tax troubles?

Mr. MADDEN. If we were not doing what we are doing, the world chaos would be worse than it is. We should set an example to the world to stabilize the finances of the world; and that example has been an encouragement and a hope to the people throughout the civilized world. If we did not do this and we were in the same fix as the European nations are in, then God help the people of the world! [Applause.]

Mr. ROACH. From the question I asked, the gentleman should not gather the idea that I was advocating a different policy. I was just asking the gentleman whether or not he thought this public debt should all be reduced in this generation or that some other generation be invited to help to pay for the obligations of the World War from which we are emerging.

Mr. MADDEN. The credit of the Nation demands that we pay the public debt as we move along with as decent rapidity as we can without placing too large a burden on the present generation.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. PERKINS. Will the gentleman tell us how the \$1,071,000,000 was saved?

Mr. MADDEN. Well, it has not all been saved exactly, for we have had increased revenues from the customs service and from other sources, and everybody knows that when we have a large floating debt for which the Treasury certificates were issued, and these Treasury certificates were made to become due quarterly at the income tax payment date, all the income that came in on any one of those dates was applied to the payment of these certificates, and when new certificates were issued they were issued for the remainder. It was an automatic effort to utilize all the revenues that came in for the benefit of the service at the end of every quarter.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman.

Mr. RANKIN. I want to ask the gentleman whether in this bill there is any provision to pay for increased equipment of the Rural Free Delivery Service?

Mr. MADDEN. No; not for any kind of equipment. This committee has no jurisdiction over it. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. NEWTON of Minnesota having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was presented by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved a bill and joint resolutions of the following titles:

On December 18, 1923:

H. J. Res. 70. Joint resolution authorizing payment of the salaries of the officers and employees of Congress for December, 1923, on the 20th day of that month.

On January 25, 1924:

H. J. Res. 82. Joint resolution extending the time during which certain domestic animals which have crossed the boundary line into foreign countries may be returned free of duty.

H. R. 185. An act providing for a per capita payment of \$100 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States.

APPROPRIATIONS—TREASURY AND POST OFFICE DEPARTMENTS.

The committee resumed its session.

The CHAIRMAN. The gentleman from Tennessee [Mr. BYRNS] is recognized for an hour.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by inserting certain tables which I have prepared.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, the expenses of government, Federal and State, have increased to an enormous extent in recent years. The sum total is so large as to be staggering. So great has the burden become that everyone must realize that unless the promises of reduction of expenditures are turned into actual performances, business and industry will suffer and incentive in large measure will be destroyed.

The Department of Commerce recently issued a statement showing that the grand total of revenues collected in 1922 for all governmental expenditures was \$7,850,163,000, or an average of \$72.29 for each person in the United States. The total revenues collected for similar purposes in 1912 was \$2,131,402,000—an increase of 271 per cent in a period of 10 years. Of the grand total for 1922, \$3,630,215,000 represents revenues of the National Government. These special revenues for the National Government increased from \$667,038,000 in 1913 to \$3,630,215,000 in 1922, or 444 per cent.

These sums constitute a tremendous levy on the business and industry of the country, and I have cited them to show that progress and development will be retarded and perhaps stifled if there is not a reduction of public expenditures. A considerable increase was to be expected. Education, good roads, and other activities which make for the enlightenment and progress of the country have necessarily increased expenditures. The war also increased the national expenditures. But it must be conceded that the figures cited show an increase beyond what has been spent on account of these desirable activities. Extravagant public expenditure not only tends to retard progress and destroy incentive but it is one of the main factors in the high cost of living. A government has no right to collect more from its citizens by way of taxes than is necessary for its economical administration. Every man, woman, and child is vitally interested in the reduction of taxes, and when the expenditures of the present day are compared with the expenditures of a few years ago and before the World War I think it can well be questioned as to whether that strict economy to which the people have been hopefully looking forward has been exercised.

For instance, in the fiscal year 1925, seven years after the close of the war, the total estimated expenditures of the National Government are \$3,909,290,444. In the fiscal year 1916, the last full fiscal year before the war, there was expended the sum of \$1,047,208,869.23, but a little more than one-fourth of the cost of government for the fiscal year 1925. Reductions in expenditures are reflected in the reduction of taxes. These figures emphasize the importance of the strictest economy and that not a dollar should be appropriated which is not needed for the proper administration of the Government's business. An analysis of some of the expenditures would further show from an economic standpoint the evil of too much centralized government and how expensive it is for the National Government to assume duties and responsibilities which more properly belong to the States.

Another statement issued by the Department of Commerce a short while ago showed that the entire public debt, Federal, State, and municipal, in 1922 amounted to \$32,788,715,000, an increase of 381 per cent over what it was in 1912. The national public debt on January 1, 1924, was \$21,914,607,407, consisting of long-time bonds and short-time indebtedness, evidenced by Treasury certificates and Treasury notes of various kinds, which are either paid or refunded at maturity. On June 30, 1919, the public debt was \$25,484,506,160. It will be observed that up to January 1, 1924, it had been reduced in the sum of \$3,569,898,753. This reduction was brought about in the following sums by fiscal years:

1920 (commencing July 1, 1919)-----	\$1,185,184,693
1921-----	321,870,915
1922-----	1,014,068,844
1923-----	613,674,343
July 1, 1923, to January 1, 1924-----	435,099,958
Total-----	3,569,898,753

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ROGERS of Massachusetts having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk,

announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 54. Joint resolution directing the President to institute and prosecute suits to cancel certain leases of oil lands and incidental contracts, and for other purposes.

APPROPRIATIONS—TREASURY AND POST OFFICE DEPARTMENTS.

The committee again resumed its session.

Mr. BYRNS of Tennessee. During the calendar year 1923 the amount of foreign repayments to the United States was \$69,605,900. Great Britain paid \$160,000,000 on the settlement of her debt and Finland \$611,150. All of these sums were used in the retirement of the public debt during that year.

The estimated expenditures for the fiscal year 1925 are \$3,909,290,443.50. This includes expenditures for the Postal Service. It is the custom of the Bureau of the Budget to exclude postal receipts and expenditures from the totals given. I think this confusing. It certainly does not present a true picture of the actual income and outgo of the Treasury. In the figures which I submit the Postal Service will be included. The figures above given show a reduction of \$224,377,644.17 from the expenditures of the present year, but it must be remembered that necessarily these estimates do not take into account any possible increased activity to which the Government may be committed by Congress and involving additional expenditures in 1925. It should be stated that this reduction is not brought about by a reduction of the administrative expenses of the Government as they relate to number of employees and salaries paid.

Mr. BLANTON. Mr. Chairman, I was wondering if the gentleman from Tennessee would not be willing to suspend his speech and the operations of the House long enough for the gentleman from Ohio [Mr. LONGWORTH] and the gentleman from Illinois [Mr. MADDEN] to take up the Senate resolution that has just been sent over here and pass it, so that the President can get busy on that prosecution matter?

Mr. BYRNS of Tennessee. Of course, I will be glad to comply with any request these gentlemen might make of me.

Mr. BLANTON. The passage of that resolution is one of our most urgent needs.

Mr. BYRNS of Tennessee. These administration expenses will be increased, as will be shown later. The reduction is due to certain reduced charges, such as interest on the public debt, expenditures in the Veterans' Bureau, the Shipping Board, and other governmental activities which have declined as a matter of course and can not be claimed as the result of economy on the part of the administration.

The appropriations for 1924 were \$3,863,645,208.12. The estimates for appropriations for 1925 are \$3,631,163,129.56. Neither of these figures, of course, take into consideration deficiency appropriations during each of the years. There are deficiency estimates for 1924 of possibly \$135,000,000, most of which are refunds on taxes collected, now pending before the committee, and there will doubtless be similar large deficiencies for 1925. The figures cited show a reduction of \$232,482,078.56 in the estimates for 1925. As I have stated, an analysis of the figures making up these estimates will show that this difference does not arise as the result of any economy on the part of the administration but rather as the result of the completion of certain activities and the lessening of others in the natural course of events.

For instance, there is a decrease in the estimates for the Veterans' Bureau amounting to \$82,449,053, based, it may be presumed, on the fact that vocational rehabilitation is being concluded; that compensation will grow less as the disabled ex-service men are rehabilitated; and that hospitalization will inevitably become less the farther we get from the war. There is a decrease of \$20,000,000 for the Shipping Board, due to the fact that certain claims for which appropriations were made during the current year have been settled. There is a decrease of \$23,000,000 for the payment of pensions, due, of course, to the passing away of many of the old soldiers of the Civil War. There is a decrease of \$50,000,000 for interest on the public debt, for obvious reasons. There are additional decreases of \$15,800,000 for Federal roads aid; \$8,747,000 for the Navy; \$19,859,910 for rivers and harbors; \$37,854,500 for purchase of Liberty bonds from foreign repayments; and an additional \$26,000,000, which was carried in 1924 to pay the \$240 bonus for field employees, and which is not estimated in the Budget for 1925. The following table shows the principal decreases in round numbers:

Veterans' Bureau	\$82,449,053
Shipping Board	20,000,000
Federal roads aid	15,800,000
Pensions	23,000,000
Increase of the Navy, authorized ship construction	8,747,000
Rivers and harbors	19,859,910
Purchase of Liberty bonds from foreign repayments	37,854,500
Interest on the public debt	50,000,000
\$240 bonus for field employees, carried in 1924 and not estimated in Budget for 1925, approximately	26,000,000
Total	283,440,463

Mr. BLACK of Texas. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. BLACK of Texas. I notice that in the gentleman's citation of figures he shows that the Bureau of the Budget estimates about \$19,000,000 less this year for rivers and harbors than was carried in the appropriation bill last year.

Mr. BYRNS of Tennessee. Yes.

Mr. BLACK of Texas. My recollection is that the House itself increased the rivers and harbors appropriation about that amount last year, and unless we sit on the lid there will be a similar increase this year, if I understand the plans that are brewing afloat.

Mr. BYRNS of Tennessee. My recollection is that the estimate for rivers and harbors for the next fiscal year is \$37,000,000.

Mr. BLACK of Texas. And if the gentleman will permit, I think that was the Budget estimate last year.

Mr. BYRNS of Tennessee. No; my recollection is that last year it was \$27,000,000.

Mr. BLACK of Texas. However, we will look up the figures. I think it was \$37,000,000 last year and the House itself increased it to \$56,000,000. And, if the gentleman will permit further, the reason I am reminded of it at the present time is that I was one of those who refused to vote to override the estimate of the Bureau of the Budget, and there is a certain organization which is behind the effort to increase the appropriation that is sending information to our constituents to the effect that we voted against rivers and harbors last year but not explaining that the Members who voted that way refused to vote to override the estimate of the Budget; in other words, refused to increase their appropriation. I take it that same organization—and I am not criticizing it, except I think it might make a more full explanation of the fact—will make an effort this year to increase the amount submitted by the Bureau of the Budget.

Mr. BYRNS of Tennessee. The last Congress did very considerably increase the appropriation for rivers and harbors over the amount submitted by the Budget Bureau, and, as I recall, recommended by the Committee on Appropriations. The gentleman will understand that in citing these figures I am simply comparing the 1925 estimates with the appropriations actually made by the last Congress, which show, as I say, a reduction of something like \$232,000,000; but in the appropriations of the last Congress the increased amount of appropriations for rivers and harbors was taken into consideration.

Mr. CELLER. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. CELLER. From what the gentleman says, the majority speaks of a reduction growing out of the bonus to be paid Federal employees and that they will save several million dollars with reference to it; but suppose in the reclassification of Federal employees that bonus is retained, they would have to add the amount of the bonus to the appropriations and there would be no reduction whatsoever.

Mr. BYRNS of Tennessee. The gentleman is correct about that, and I will come to that a little later on.

It is quite evident that the administration is entitled to no credit for these reduced estimates. These decreases which I have enumerated, amounting in the aggregate to \$283,440,463, are \$51,000,000 more than the total reduction in the Budget of 1925, and it is apparent, therefore, that it is contemplated in the Budget that other expenditures will be increased by at least that amount.

Expenses of administration in the way of salaries in Washington have been increased. A reclassification act was passed by the last Congress, and under that act all Government salaries in the city of Washington have been increased, the larger ones to a greater extent than the smaller ones. I will insert here a table showing that the salary roll in Washington, based on the present number of employees, will be increased on July 1, 1924, in the sum of \$3,680,171. The table is as follows:

Executive civil service.	Number of employees.	Basic salaries.	Salaries, including bonus.	Appraised salaries.	Difference between basic and appraised salaries.		Difference between appraised salaries and present salaries, including bonus.	
					Amount.	Per cent.	Amount.	Per cent.
State.....	645	\$1,044,630	\$1,173,990	\$1,243,260	\$198,630	19.0	\$69,270	5.9
Treasury.....	17,488	24,871,326	28,648,891	29,593,530	4,722,204	19.0	944,639	3.3
War.....	2,851	3,919,824	4,584,888	4,692,176	772,352	19.7	107,288	2.3
Justice.....	743	1,657,872	1,776,033	1,835,104	177,232	10.7	59,071	3.3
Post Office.....	1,852	2,340,929	2,687,537	2,831,789	490,860	21.0	144,252	5.4
Navy.....	2,111	3,177,732	3,646,068	3,813,720	635,988	20.0	167,652	4.6
Interior.....	5,573	8,441,190	9,654,172	10,237,310	1,796,120	21.3	583,138	6.0
Agriculture.....	4,776	7,932,228	8,887,426	9,336,128	1,403,900	17.7	448,702	5.0
Commerce.....	2,661	4,179,615	4,745,496	5,068,911	889,296	21.3	323,415	6.8
Labor.....	626	972,740	1,098,892	1,144,908	172,168	17.7	46,016	4.2
INDEPENDENT ESTABLISHMENTS.								
General Accounting Office.....	2,001	2,818,890	3,290,058	3,355,672	536,782	19.0	55,614	2.0
Interstate Commerce Commission.....	1,479	3,094,200	3,369,392	3,381,172	286,972	9.3	11,780	.3
Superintendent State, War, and Navy Building.....	1,606	1,242,350	1,627,550	1,675,760	433,410	34.9	48,210	3.0
Veterans' Bureau.....	4,495	6,564,002	7,359,122	7,443,700	879,698	13.4	84,578	1.1
Other establishments.....	4,208	6,004,380	6,841,242	7,263,386	1,259,006	20.1	422,144	6.2
Total executive civil service.....	53,115	78,261,908	89,390,757	92,916,526	14,654,618	18.7	3,525,769	3.9
Legislative miscellaneous offices.....	1,473	1,628,943	1,967,379	2,121,781	492,838	30.3	154,402	7.8
Grand total.....	54,588	79,890,851	91,358,136	95,038,307	15,147,456	19.0	3,680,171	4.0

Mr. HASTINGS. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. HASTINGS. When is it contemplated the classification act will go into effect in so far as the employees of the Government who do not reside in the District of Columbia are concerned?

Mr. BYRNS of Tennessee. I was told by a member of the Reclassification Board a week or two ago that he thought the report would be made early in March and certainly before July 1.

Mr. HASTINGS. As a Member of Congress not familiar with the increases made by the reclassification act, about what is the percentage of increase, if the gentleman could state it in a word?

Mr. BYRNS of Tennessee. You mean in the District?

Mr. HASTINGS. Yes; and in the country, when it goes into effect.

Mr. BYRNS of Tennessee. Of course, it is impossible to say what it will be so far as the field employees are concerned. The gentleman speaks about the average. It is greater in one department than it is in others here in the District of Columbia; but the average percentage of increase is 4 per cent above the basic salary plus the bonus now being paid, or it is a 19 per cent increase over the basic salary which, of course the gentleman understands, does not include the bonus. That is the average increase for employees in the District of Columbia.

Mr. HASTINGS. If the gentleman will yield further, are the appropriations contained in this bill large enough to cover the increased salaries when the reclassification act is put into effect in so far as field employees are concerned?

Mr. BYRNS of Tennessee. Not as to field employees, because, as my friend Mr. Celler suggested a few moments ago, that is a matter which will have to be taken care of in the future and will necessarily increase the appropriations carried in these various appropriation bills for field employees.

Mr. ROACH. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. ROACH. If I understand the reclassification act correctly, its provisions do not extend that relief at all.

Mr. BYRNS of Tennessee. That is a mooted question, but I think the Reclassification Board takes the position that it does; and I think that possibly, with a liberal interpretation of the act, it may be so construed.

Mr. ROACH. I have not particularly studied it and therefore wanted the gentleman's view of that question. I have been under the impression that it only applied to employees in the District.

Mr. BYRNS of Tennessee. There is some difference of opinion as to that, but under a liberal interpretation of the act it may be held to apply to field employees as well as to employees in the District of Columbia.

Mr. ROACH. Has there been any effort yet on the part of the board to extend relief to the employees in the field?

Mr. BYRNS of Tennessee. They are now engaged, according to my understanding, in collecting data with a view to reclassifying the field employees; and I was told, as I said to

the gentleman from Oklahoma, a week or two ago by one member of the board that they hoped to have it ready some time in March.

Now, Mr. Chairman, even with the proposed reduction of about 1,600 employees in the city of Washington the salary roll for 1925 will be about \$655,139 larger than in 1924. The field employees have not yet been classified. If this work is completed between now and July 1, the salaries of the field employees will probably be increased in an aggregate amount at least twice the increase in the city of Washington, owing to the greater number of field employees.

In the beginning of the fiscal year 1923 the Director of the Bureau of the Budget indicated that at the beginning of the fiscal year 1924 there would be a deficit of \$698,000,000; but on July 1, 1923, it appeared from the figures submitted by the Treasury Department that there was a surplus of \$309,657,460.30.

I would not charge that the announcement at the beginning of the fiscal year that there would be a very large deficit at the close was made for the purpose of emphasizing the surplus which was announced at the close of that year and to create the impression among the people that the deficit was avoided and a surplus created by close economy on the part of the administration, but it is difficult to understand just how competent experts in the Treasury Department, in their estimates as to the receipts and expenditures for 1923, could have made a mistake of more than \$1,000,000,000, more especially since there was a surplus at the close of the year 1922. As a matter of fact, there was a surplus in the preceding years. In 1922 it amounted to \$313,801,651.10, in 1921 to \$86,000,000. It is pertinent to inquire just why the Republican Party, which, in those years as now, was in complete control of both branches of the Government, did not, during those years, relieve the taxpayers of some of their burdens and eliminate the taxes which were imposed during the war for purely war purposes. The surplus in 1922 was greater than that in 1923, and if taxes can be reduced now, as everyone will agree, why could they not have been reduced two years ago? Why was this movement to reduce the burdens of the taxpayers delayed until just before the presidential election? If the Republican Party is to remain in power, then it would be to the interest of the taxpayers that a presidential election should occur every year.

The surplus estimated for June 30, 1924, is \$329,639,624, or \$20,000,000 more than the surplus of the year before. But it should be observed that estimated receipts for 1924 are \$53,000,000 more than the actual receipts for 1923. The receipts for 1923 were \$3,841,926,726.62 and the estimated receipts for 1924 are \$3,894,677,712. This would indicate either more extravagant expenditures during the current year over that of 1923 or that Congress has, in spite of the determined demand of the people for economy, increased the commitments of the Government by either enlarging or creating new governmental activities, for otherwise the surplus would be at least \$53,000,000 greater at the close of the current year than it was in 1923, instead of only \$20,000,000, and in this we do not

take into consideration the 1924 reductions in interest amounting to \$115,088,486.44, and pensions amounting to \$29,000,000, and other activities heretofore referred to, and for which the administration can take no credit as an economy.

The estimates for 1925 make a somewhat better showing. The receipts are estimated at \$3,693,762,078 and the surplus on June 30, 1925, at \$395,681,634, but it must be remembered that this is election year and that the fiscal year 1925 does not begin until July 1. Congress may and, judging by the bills now pending and past experience, will make many commitments between now and the close of the fiscal year 1925 which may greatly increase the expenditures of that year.

It is proper to call attention to the fact that in its estimates of receipts for the current year and also for the next fiscal year the administration has taken credit for sums collected which should properly be credited to the preceding years. There has been assessed and reported for collection on account of back taxes during the years 1919 to 1923, inclusive, a total of \$1,920,880,250. These amounts by fiscal years were as follows:

Statement showing collections and expenditures, also cost of collection per \$100 with and without enforcement laws, and number of employees, fiscal years 1917 to 1924, inclusive.

Fiscal year.	Collections.	Expenditures.		Cost of collecting \$100, including enforcement laws.	Cost of collecting \$100, exclusive of enforcement laws.	Number of employees.		
		Administrative and enforcement appropriations.	Enforcement appropriations.			Bureau.	Field.	Total.
1917.....	\$809,393,640.44	\$7,699,031.08	.....	\$0.951	.....	524	4,529	5,053
1918.....	3,698,955,820.93	12,003,214.07	.....	.325	.....	2,245	7,352	9,597
1919.....	3,850,150,078.56	20,773,771.52	.....	.534	.....	3,090	10,955	14,055
1920.....	5,407,580,251.81	29,647,439.71	\$2,610,305.21	.55	\$0.50	5,912	12,528	18,440
1921.....	4,595,000,785.74	40,203,716.74	7,029,407.57	.88	.72	6,996	13,145	20,141
1922.....	3,197,451,083.00	41,577,374.49	7,280,723.07	1.30	1.07	7,275	14,113	21,388
1923.....	2,621,745,227.57	45,316,312.24	8,815,249.30	1.73	1.39	7,249	14,026	21,275
1924 ¹	2,783,000,585.00	44,801,190.00	9,000,000.00	1.61	1.29	6,667	12,965	19,632

¹ Estimated.

This table speaks for itself. I shall make no comment except to call attention to the fact that it shows a very substantial increase in the cost of collection in recent years over what it cost under the former administration.

Mr. ROACH. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. ROACH. If the gentleman has any tables showing the cost of collecting the various forms of Federal taxes, I would be glad if he would incorporate it in the RECORD for the information of the House.

Mr. BYRNS of Tennessee. I will be glad to place a table in the RECORD.

I have already consumed more time than I had expected to, and I am not going to discuss in detail the two appropriation bills which are now before the House for consideration. As a matter of fact, the gentleman from Illinois, the chairman of the committee, has discussed the recommended appropriations carried in both of those bills in considerable detail and he has given a very full and very fair explanation of many of the most important items. In addition to that I want to call the attention of the Members of the House to the fact that if they will read the committee report which is submitted along with these two bills they will find a very full explanation of all these appropriations, showing impartially the decreases and the increases.

I wish to take this occasion to say this in regard to the gentleman from Illinois [Mr. MADDEN], the chairman of the Committee on Appropriations. He has from the outset insisted that the reports which come from his committee shall show all the facts and give to the Members of the House the benefit of all the facts it has been possible to develop before the committee as fully as it is possible to do so in a report, and I think he and the splendid and efficient clerk of the Committee on Appropriations are to be highly commended for this very full and impartial report which accompanies this and also other bills.

The gentleman from Illinois has often said there is no partisanship in the Committee on Appropriations in the consideration of these bills, and that is eminently true. The committee does not play politics in considering the various appropriations. The estimates for appropriations are considered solely from the standpoint of the interest of the country. I want to take this opportunity to further say that I have never served with a member on the Committee on Appropriations who had a greater and a more earnest desire to practice

For 1919 the amount was \$123,275,768; for 1920, \$466,880,359; for 1921, \$416,483,708; for 1922, \$266,978,873; and for 1923, \$600,670,632. The assessments for 1924 will not be known until the end of the fiscal year. These assessments represent back taxes from the years 1917 to 1920. The administration insists that the refunds should be credited to the expenditures of the year in which the taxes were overpaid, and by the same process of reasoning the amounts collected by way of these back assessments should be credited to the years in which the taxes originated. It will thus be seen that the surplus for the past three years was actually created by the collection of back taxes for previous years and not through current revenues. It is obvious that the Government is not on a pay-as-you-go basis from current revenues as was promised by the administration when it assumed control.

In this connection it may be interesting to refer briefly to the cost of collecting the internal revenue during this and the preceding years. The Internal Revenue Bureau has furnished the following statement for such costs from the year 1917 to the present time:

economy than the gentleman from Illinois, the chairman of the Committee on Appropriations. [Applause.]

The gentleman from Illinois, in season and out of season, has labored to reduce these appropriations. And, gentlemen, the Committee on Appropriations and the Congress can reduce appropriations. We can check extravagance where we think extravagance is being exercised by reducing the appropriations and refusing to give the departments and the bureaus the amount of money they ask; but, after all, real economy must be exercised by the administrative department and bureau heads, and if it is not exercised in the departments and in the bureaus we are not going to have that economy which the people expect and should have. If the gentleman from Illinois, who has practiced economy as chairman of the Committee on Appropriations, was the head of this great Government of ours—and if the Republican Party is to remain in power I would like to see him the head of this Government, because he would make a great President—we would have, in my judgment, a great deal more economy in the departments and in the bureaus than we now find. [Applause.] I yield now to the gentleman from Texas.

Mr. BLANTON. I think every Member of the House joins with the gentleman in commending the chairman of the Appropriations Committee, because he is the fairest one I ever saw in answering every question that any Member wants to ask him. That ought to be the case. But while commending him and the clerk of the committee, does not the gentleman think he ought to commend the other employees of the Committee on Appropriations? I have never seen a bunch of fellows who are more willing to give information connected with any committee than they are. You can go in there at any time and ask them for data concerning the expenditures that are carried on through that committee and they are always willing to give it to you, but I want to ask the gentleman a more serious question.

Mr. BYRNS of Tennessee. I am very glad the gentleman made that statement, because there is not an inefficient or an incompetent clerk connected with the Committee on Appropriations.

Mr. BLANTON. Not a one. I call on them frequently and I know.

Mr. BYRNS of Tennessee. Every one of them is most efficient and most competent and also most obliging.

Mr. BLANTON. But I want to ask the gentleman from Tennessee a very serious question. The bill which we passed this morning, embracing some \$270,000,000 in lump sums, was

the first one we have had up this session. This one, embracing some \$790,000,000, grouping two big departments, is also in lump sums. I have talked to a number of the Members in the last week or so about this situation and I find there is dissatisfaction among the Members regarding that new policy, and if that is continued the gentleman is going to find a fight against it in the next session of Congress. Is that going to be the policy of the committee, to continue these lump-sum appropriations and the grouping of departments?

Mr. BYRNS of Tennessee. Well, of course, I can not speak for the policy of the committee. I can only speak for myself personally.

Mr. BLANTON. The gentleman is the ranking member of the minority and he might be the chairman in the next Congress.

Mr. BYRNS of Tennessee. But the gentleman knows that the minority sometimes does not have, or really never has, a voice as to the policy of the committee.

Mr. BLANTON. The minority has a voice in this Congress in every committee.

Mr. BYRNS of Tennessee. I will state to the gentleman that it has always been my opinion that appropriations ought not to be made by lump sums where it is possible to avoid it.

Mr. BLANTON. There are a few of us, at least, who are going to put the gentleman on notice that we are going to stop that practice in the next Congress if we can—the practice of lump-sum appropriations and the practice of grouping departments. They must come in here with separate bills and they must specify what the money is going to be spent for.

Mr. BYRNS of Tennessee. Let me make this statement to the gentleman. Of course, so far as separate bills are concerned, I do not think there is much criticism that can be offered from the fact that these appropriations are reported here in one big bill, because they are separate and distinct from each other, and the committee could have gone to the extra expense of printing and had them printed separately and brought them in here at the same time for consideration. They are two separate bills bound together. I want to say to the gentleman that it is the desire and the recommendation of the Bureau of the Budget that all of the bills be combined into one big bill and considered at the same time.

Mr. BLANTON. And the gentleman would not stand for that one minute.

Mr. BYRNS of Tennessee. I do not think it would be possible to ever put that into effect. Now, as to the other proposition of the gentleman, I have always been opposed to lump sums. I am very much opposed to them now. I think they make for extravagance, and I think they cause confusion, and that it results in appropriating bodies, like the House and the Senate, not being able to check up and determine just what is being done with the money appropriated. These bills do not differ in the manner of making appropriations from bills that have heretofore been reported, except in one respect, and that is with reference to the amounts carried for employees here in the District of Columbia. They are appropriated for by a lump sum, and, of course, their salaries are fixed now by law.

The reclassification act fixed salaries to be paid employees when allocated to the respective and proper grades by the classification board. There is nothing Congress can do except make appropriations to pay the salaries unless we repeal the law. I agree with the gentleman that after the reclassification becomes effective and it is definitely determined just where the various employees are to be allocated and in what classes and grades it will be possible, it seems to me, to present an appropriation bill that will indicate how many clerks in this grade and that class shall be employed. But it was impossible at this time for the Appropriation Committee to have done it. I do not know how the rest of the Appropriation Committee feel—I am giving my own personal views—but even if every member of the Committee on Appropriations had felt as I do on the subject I submit that it could not have been done in this bill, because the reclassification bill does not go into effect until July 1 of this year, and the board is right now sitting, and will sit until July 1, on appeals from its decisions. We might bring in a bill here allocating the employees by appropriations; that would be absolutely overturned and upset by something that might be done between now and the 1st of July.

Mr. BLANTON. I have heard the chairman of the committee and the ranking minority member of the committee for several years on the floor of the House get up and say, "We do not like this plan; we are not in favor of it; it is a temporary measure, a temporary policy, but we have had to do it

at this time as a matter of expediency," and so it goes on when we are all against it.

Mr. BYRNS of Tennessee. This is the first time we have done it.

Mr. BLANTON. Oh, we have heard the argument against lump sums—

Mr. BYRNS of Tennessee. And I always consistently opposed it.

Mr. BLANTON. We are bringing them in, and if we are against lump sums why do not we cut them out?

Mr. ABERNETHY. Because the gentleman is in the minority, and the minority can not do it.

Mr. BYRNS of Tennessee. I want to say this further. I was very much surprised—possibly the gentleman from Texas may have known it—when I came to look into this proposition of making some specific appropriation for employees I found that there was only 10 per cent of the employees now being paid through specific appropriations.

Mr. BLANTON. That is all, only 10 per cent, and yet we are all against lump sums.

Mr. BYRNS of Tennessee. The gentleman from Texas is no more against lump-sum appropriations than am I.

Mr. BANKHEAD. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from Alabama.

Mr. BANKHEAD. I happen to be on the Select Committee of the Budget which framed up the Budget law, and I think it involves a fine principle of government. But I want to ask the gentleman from Tennessee a question as to the operation of the spirit of the law when it comes within the jurisdiction of his committee. Now, in reference to an item that I spoke to the gentleman from Tennessee about this morning—the rural sanitation of the Public Health Service. The Treasury Department recommended an appropriation of \$150,000 for that bureau. When it got to the Budget the director, I presume, after due examination of the facts, recommended to Congress an appropriation of \$75,000 for that bureau. When the bill comes out of the committee I find the appropriation has been reduced to \$50,000. When questions of that sort come up and the Director of the Budget recommends a specific appropriation, does the committee feel that the burden is on it to have evidence offered justifying a reduction, or does the committee reach a reduction of that sort simply as an arbitrary proposition and without evidence showing that it ought to be done?

Mr. BYRNS of Tennessee. No reduction is ever made by the Committee on Appropriations arbitrarily, but it does not accept the estimates of the Bureau of the Budget as conclusive or as necessarily proper. It always requires, and has always required since I have been on the committee, that those who appear before the committee shall make their case and shall show to the committee just why they ask for the amount of money set forth in the estimate. In other words, we do not accept the estimate of the Bureau of the Budget as a witness in the transaction, although, of course, its views may be persuasive.

Mr. BANKHEAD. I think that is entirely proper, and the committee is right; but when witnesses appear before the committee showing that the money is required for the purpose recommended in that amount, and there is not a scintilla of evidence to show that it is too much, and the committee then reduces the amount in the absence of any evidence showing it ought to be reduced, it seems to me that that is arbitrary. I say it respectfully, because I am in favor of reducing expenses.

Mr. BYRNS of Tennessee. Let me say that I think the work done by the rural sanitation of the Public Health Service is a very valuable and necessary work. But if we were to follow the policy the gentleman outlines there never would be any reduction in the estimates, because never since I have been a member of the committee has there ever a witness come before the committee advocating a reduction in the amount. The committee has to get its facts through cross-examination of the witnesses who come there with the express purpose of upholding their estimates and to insist that they be allowed every dollar. I repeat, I never heard a witness before the Committee on Appropriations advocate a reduction.

Mr. MADDEN. Will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. MADDEN. The rural sanitation work carried on by the Public Health Service is an educational work altogether. Their work is to lecture to local communities, and bring the local community to realize what they should do themselves, and provide against trouble where they have not good sanitary arrangements.

If you kept on increasing, giving them all the money they wanted, it would never end; they would be paying all the bills in all the communities all over the United States. Take, for example, the case of the Treasury Department, as the gentleman from Tennessee well knows, where the head of the bureau was before us and it was shown clearly to us that there ought to be a large reduction in the force, but we could not get anybody to admit it. If we depended on what they said for our conclusions, we would never make any reductions. But we did not depend on that; we made a personal investigation of it, and we brought to our assistance expert accounting services, and the result of that was that we cut \$234,000 from one single item in the Treasury Department. Is not that so?

Mr. BYRNS of Tennessee. I think that is correct.

Mr. MADDEN. It is in the public-debt service.

Mr. BYRNS of Tennessee. Yes; the gentleman is correct.

Mr. ALLGOOD. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. ALLGOOD. In regard to the reclassification law, I understand that the report states that it will involve an increased expense of \$3,000,000 for the employees in the District. Yet I have heard considerable complaint raised against the reclassification law by employees here in the District of Columbia.

Mr. BYRNS of Tennessee. I have heard some myself.

Mr. ALLGOOD. If it is not satisfactory to the employees, what would prevent Congress from going back to the old law or amending this law or abolishing it, thereby saving the \$3,000,000 extra to the employees who are not satisfied?

Mr. BYRNS of Tennessee. Nothing could prevent Congress from either changing or repealing or modifying the law, but as long as the law exists we must comply with its provisions. I think the objections raised by the employees—and I am expressing no opinion as to whether they are well founded or not—are more to the action of the Reclassification Board than to the law itself.

Mr. ALLGOOD. But there is that dissatisfaction.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. HASTINGS. I do not believe I have heard a proper explanation of why the Treasury Department appropriation bill and the Post Office appropriation bill were combined in one bill. Was it because the same subcommittee of the Committee on Appropriations considered both bills?

Mr. BYRNS of Tennessee. That is the reason.

Mr. HASTINGS. I assumed that was the reason. There is no relation between them.

Mr. BYRNS of Tennessee. That is the reason. The chairman appoints subcommittees to conduct the hearings for all these bills, and the same subcommittee which had charge of the Treasury was given charge of the Post Office bill. That committee conducted the hearings and saw fit to report them at the same time. Of course the committee could have reported them separately, but it saves the time of the House to report them here together. As a matter of fact they are separate, although bound in the same volume.

This Treasury bill carries a total appropriation of \$1,521,264,040 for the year 1925. Of that amount \$1,399,051,075 is the estimated permanent and indefinite appropriation, while the remainder, or \$122,212,965, is recommended for annual appropriations. The permanent and indefinite appropriations recommended in this bill are \$87,918,980.78 less than those for 1924, but it must be remembered that there is a decrease of \$50,000,000 for interest on the public debt, and the \$37,854,500 appropriated in 1924 for the purchase of Liberty bonds in foreign repayments is cut from the appropriation for 1925. These two sums more than account for the reduction in the permanent and indefinite appropriation. The annual appropriation recommended is \$6,277,597.37 less than the appropriation for 1924. The present bill does not carry something like \$7,200,000 which was carried in 1924 for the payment of the bonus to field employees, due to the fact that the 1925 estimates did not include the bonus for that year.

Action on that part of the compensation of field employees awaits action of the Reclassification Board, and will be greater than the \$7,200,000, as I have already shown. Leaving the bonus for the field employees of the Treasury Department out of consideration, therefore, in connection with the comparison of the bill with the 1924 appropriations, there is a net increase in comparable lines of \$922,402.62 carried in this bill.

Mr. Chairman, I have consumed more time than I had anticipated and will not now discuss the Post Office appropriation which carries \$609,176,246.60. In closing I want to emphasize what the gentleman from Illinois [Mr. MADDEN] has said. That is, that in view of the heavy expenditures, the

heavy appropriations needed to carry on the necessary and essential work of the Government, if we are to have reduction of taxes Congress can not afford to make commitments during the ensuing year to any very great extent, because, as I said at the outset, reduction in expenses is always reflected in reduction in taxes, and if we increase commitments, and make necessary additional appropriations, necessarily there is but one of two things to do, either to increase the taxes or increase the public debt. [Applause.]

Mr. STENGLE. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. STENGLE. On page 48 of the bill, line 21, office of the Postmaster General, does the total at the bottom of the paragraph include the pay for the Assistant Postmasters General, or are they included in the separate paragraphs?

Mr. BYRNS of Tennessee. They are included in separate paragraphs.

Mr. MADDEN. They are carried in separate paragraphs.

Mr. STENGLE. I am inquiring now as to whether the first paragraph includes in addition to the Postmaster General the salaries that have been allocated or fixed for the several Assistant Postmasters General.

Mr. MADDEN. Oh, no; they are in the other paragraphs.

Mr. STENGLE. As a matter of information, before we go home to sleep over this heavy appropriation bill, would the chairman of the committee or the gentleman from Tennessee place in the Record the increases carried for the First, Second, Third, and Fourth Assistant Postmasters General?

Mr. MADDEN. It is \$2,500.

Mr. STENGLE. In each case?

Mr. MADDEN. Yes; under the act.

Mr. BYRNS of Tennessee. They were getting \$5,000, and under the reclassification law they receive \$7,500, and that is the appropriation carried in this bill. The salaries of all Assistant Secretaries were raised in like manner.

Mr. STENGLE. That is what I wanted to find out.

Mr. MADDEN. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE of New York. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. MAGEE of New York. Mr. Chairman, I want to take this opportunity to urge the necessity of a public-building program.

Mr. DYER. Will the gentleman yield at this point for a question?

Mr. MAGEE of New York. I will.

Mr. DYER. Does the gentleman mean a public-building program for the city of Washington or for the Republic?

Mr. MAGEE of New York. I think the gentleman will see what I mean in a few moments.

The dates of public buildings bills heretofore approved and authorizations made are as follows:

First, June 6, 1902.....	\$19,258,900
Second, Mar. 3, 1903.....	8,800,500
Third, June 30, 1906.....	26,600,500
Fourth, May 30, 1908.....	32,200,500
Fifth, June 25, 1910.....	35,137,700
The last, Mar. 4, 1913.....	41,580,850

I am informed that the rentals paid annually by the Government have now reached more than \$23,000,000.

Mr. RICHARDS. Is that per year?

Mr. MAGEE of New York. Yes. However, when a Member of the House favors a new public buildings bill the cry of "pork barrel" legislation is raised. No attention whatever is paid to the merits of the proposition or to the needs of the Government.

We all know that there are many cities and places in this country where it is imperative that additional postal facilities be promptly provided to meet the public demands. A typical illustration is found in my home city of Syracuse. The first step was taken in June, 1906. In 1910-11 the Government acquired a site, paying \$325,000 therefor. The act of March 4, 1913, authorized an appropriation of \$550,000, which, of course, is now utterly insufficient for the construction of a suitable building. In 1916 the Government razed all the buildings on the site, covering a whole block within a stone's throw of the center of the city, except a garage. The buildings torn down were substantial buildings that yielded substantial revenue. Since 1916 there has been no material revenue to city, State, or Government.

As I understand, a post-office employee to work under sanitary conditions should have 100 square feet of floor space. In the Federal building, Syracuse, the records show that in the work-

room proper on the first floor the average for the entire force is 33 square feet per employee. The Government for additional facilities in Syracuse pays in rentals more than \$40,000 per year.

Mr. SHERWOOD. Why were those buildings razed?

Mr. MAGEE of New York. The administration at that time intended to go on with the construction. The war came on and prices of labor and materials increased far beyond the amount provided for the cost of the building.

Mr. KNUTSON. Will the gentleman yield?

Mr. MAGEE of New York. I will.

Mr. KNUTSON. How many cities in the United States have enough floor space now, especially for the handling of parcel post?

Mr. MAGEE of New York. The gentleman will have to ask the Postmaster General that question.

Mr. KNUTSON. I did not know but what the committee had that information.

Mr. MAGEE of New York. I will give the gentleman some information.

The responsibility for the conditions existing in Syracuse and in other places in the country is upon the Congress of the United States. [Applause.] Recommendations to meet the existing needs of the Government have been made in writing by the Postmaster General and the Secretary of the Treasury, upon which the Congress has taken no affirmative action. Recommendations were submitted in reference to 140 projects on December 31, 1922, and as to 23 additional projects on February 8, 1923. I apprehend that it will not be long before the people of this country will give the Congress to understand clearly and decisively that they are entitled to and must have efficient postal service.

It is apparent that the Post Office Department can not render such service unless the Congress will act favorably upon the recommendations of the Postmaster General and provide reasonable facilities therefor. Whenever I talk to my people about the efficiency of the Congress of the United States they point to the Government's hole in the ground.

If any public desire really exists to make "pork-barrel" legislation impossible, I have seen no indications of it. The only remedy for the "pork barrel" is an amendment to the Federal Constitution giving the President the power to use the pruning knife on a bill authorizing or making an appropriation of public funds.

Mr. McKEOWN. Will the gentleman yield at that point?

Mr. MAGEE of New York. I will.

Mr. McKEOWN. Does not the gentleman think that the most of the talk about the pork barrel when we have a bill up for consideration comes from places where they have plenty of facilities?

Mr. MAGEE of New York. I will treat the pork-barrel proposition more fully in a few moments.

Mr. BLANTON. Will the gentleman yield right there?

Mr. MAGEE of New York. Certainly.

Mr. BLANTON. The gentleman is eminently correct, and this is the only thing that stands in his way, and that is that we are waiting to get back to normalcy. There is only a 45-foot space in my home post office to-day. Those people are demanding a post office, and we are paying \$20 a day now for bricklayers and plasterers and others, and does not the gentleman know that we are waiting until we get back to normalcy, that until the Government gets back on its feet we can not pay for what we build now?

Mr. MAGEE of New York. I have heard that statement for years.

Mr. BLANTON. But is it not a business proposition?

Mr. MAGEE of New York. The prices may be—

Mr. JACOBSTEIN. May I ask the gentleman from Texas, is it not a fact that the Government of the United States in leasing to-day is paying for these same high wages? For instance, in my home town the Post Office Department just entered into an agreement to lease a building for \$20,000 for 20 years. Why did they pay \$20,000 a year? Because these wages and these materials are high—

Mr. MADDEN. I can cite the gentleman to lots of buildings for which the Government is only paying \$1 rental, which buildings the citizens are furnishing.

Mr. KNUTSON. May I say—

Mr. MAGEE of New York. I will ask gentlemen to permit me to express my own views.

Mr. JACOBSTEIN. May I ask the gentleman a question? I do not want to make a statement. The gentleman stated, or seemed to imply, that his building program would confine itself to post offices. Why not extend it to Federal buildings, and so forth?

Mr. MAGEE of New York. I will come to that a little later.

Mr. LINEBERGER. Will the gentleman yield?

Mr. MAGEE of New York. I will.

Mr. LINEBERGER. The gentleman would not be in favor of that, would he?

Mr. MAGEE of New York. I introduced such a resolution in the House—H. J. Res. 105—on December 20, 1923.

Mr. LINEBERGER. If the gentleman will yield, evidently the gentleman is in favor of it. Does not the gentleman realize that only so long as Congress retains control of the purse strings of the Nation and votes appropriations up or down, will it have any power whatever under our coordinate form of government—legislative, judicial, and executive?

Mr. MAGEE of New York. I intend to endeavor to get the Committee on the Judiciary to report the same to the House.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield there?

Mr. MAGEE of New York. Yes.

Mr. LINEBERGER. It will be defeated.

Mr. MAGEE of New York. Let the Members vote on it exactly as they please.

There is nothing new in the proposed amendment nor in the language thereof. I have made a provision in the constitution of the State of New York applicable to the Federal Constitution. My information is that a similar provision is contained in the constitutions of some 20 States. The records show that at least three Presidents have recommended such an amendment—Grant, Hayes, and Arthur—but those who are wont to howl about "pork barrel" legislation do not seem to be particularly interested in such a constitutional amendment. If we ever get a record vote on that resolution in the House, Members who do not vote for it may have to make some accounting back home. [Laughter.] We need such an amendment for the complete functioning of the Budget system.

The question arises, What are we going to do under the intolerable conditions that concededly exist? The administration complains, and justly so, that no proper places exist to keep and preserve invaluable records of the Government. There are urgent demands for buildings to beautify the Capital. I am in favor of beautifying Washington. I am in favor of the construction of sufficient public buildings in the District of Columbia to meet the urgent needs of the Government, but I am not in favor of a public building program for Washington and a famine for the rest of the country. [Applause.]

What we ought to do, in my judgment, is to adopt a public building program. Such a program was recommended by Secretary Cortelyou in a report to the Speaker of the House under date of December 7, 1908, and his recommendations were approved by Secretary Mellon in his report for the fiscal year ended June 30, 1923.

Secretary Mellon in such report makes this statement:

The last decade has witnessed a substantial gain in the population of the United States and a remarkable increase in the volume of public business. Prior to 1913 Congress had made provision from time to time for public buildings to meet the growing needs of the public service. Since 1913 there has been no legislation to provide increased space in overcrowded public buildings, or for additional public buildings in communities where the needs of the service and sound business principles called for housing the governmental activities in Government-owned buildings. A serious condition of congestion exists in the Federal buildings in the more important cities throughout the United States, and the Government is paying for space to accommodate the public business approximately \$20,000,000 annually. This figure is mounting steadily.

No substantial reason can be given why the Committee on Public Buildings and Grounds of the House should not promptly report to the House a reasonable public buildings bill. [Applause.] During the last session of the Congress the House voted an aggregate of more than \$57,000,000 for rivers and harbors. If the Committee on Public Buildings and Grounds should report a bill authorizing appropriations of \$100,000,000 that would not be an average annual authorization of \$10,000,000 since March 4, 1913.

Mr. BLANTON. Mr. Chairman, will the gentleman yield right there?

Mr. MAGEE of New York. Yes.

Mr. BLANTON. The gentleman speaks of 1913, in the Sixty-third Congress, when that last omnibus public building bill was passed. During that Congress the Democrats had 140 majority in the House, and they passed that bill which the gentleman speaks of as a "pork barrel" bill; and when the next election came around we had to use Socialists and Independents and

everything else in order to organize the House. We had lost all our majority.

Mr. MAGEE of New York. Such a bill would not interfere in any way with tax reduction. I am very strongly in favor of reduction in taxes. The burdens of war-time taxation should be reduced as soon as possible and as much as the finances of the Government will reasonably permit. In this connection what we must bear in mind is that an authorization of an appropriation is not an appropriation of public funds. The authorization must come from the Committee on Public Buildings and Grounds, while the appropriation can only be made by the Committee on Appropriations of the House.

Has anyone cause to think that the Committee on Appropriations of the House, the watchdog of the Treasury, will make or approve extravagant appropriations? At the time of the signing of the armistice the Government was spending at the rate of nearly \$19,000,000,000 per year. Now it is estimated that the appropriations to run the Government for the fiscal year 1925, exclusive of the Post Office Department, which is nearly self-sustaining, will be less than \$3,000,000,000, nearly \$2,000,000,000 of which will be expended for what are commonly called fixed charges. The record of the Committee on Appropriations of the House during such period has been a marvelous one.

In my years of service as a member of that committee I have never heard a word of politics during its deliberations; I have never seen any exhibition of partisanship; and I have never seen the members of the committee in any vote divide along party lines. The only question has always been what is for the public interest. Without detracting from the work and cooperation of others, I want to say that it has been this work of the committee, and your work here in the House in aiding and upholding the committee, that has made tax reduction possible to-day.

Look at the splendid work of the present distinguished chairman of the Committee on Appropriations of the House, tireless, painstaking, thorough, always on the alert in the interest of the taxpayers of this country. We, his associates, know that if but a small portion of what he annually saves could be put into a public building fund we would soon have sufficient moneys to meet all necessary purposes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MADDEN. Mr. Chairman, I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes more.

Mr. MAGEE of New York. In my judgment, a public buildings bill should contain provision for the creation of a public buildings commission and the adoption of a public building program covering a period of years with limitation of annual expenditures to \$20,000,000 per year, an amount materially less than the Government now pays annually in rentals. [Applause.] I would suggest as members of this commission the Postmaster General, the Secretary of the Treasury, the Attorney General, the chairman and ranking minority member of the Committee on Public Buildings and Grounds of the House, and the chairman and ranking minority member of the Committee on Public Buildings and Grounds of the Senate.

A public building fund could well be provided by annually setting aside a certain amount from the receipts of the Post Office Department and a smaller amount, as might be deemed fair and equitable, from the miscellaneous receipts of the Treasury Department, to be appropriated for the completion and construction of necessary public buildings upon recommendations of such commission to the Speaker of the House.

The existing imperative need for additional postal facilities has arisen in no small part from the tremendous growth in the parcel post. The following memorandum furnished me by the Post Office Department speaks for itself:

Parcel-post statistics.
(Estimated.)

Year.	Number pieces.	Number pounds.
1913.....	417,271,139	739,038,302
1914.....	920,675,399	1,329,893,002
1915.....	994,980,145	1,063,734,120
1916.....	1,024,324,592	1,962,894,062
1917.....	1,055,654,129	1,949,860,759
1918.....	999,302,501	3,538,479,334
1919.....	1,350,609,785	4,139,245,257
1920.....	1,071,909,688	4,393,328,439
1921.....	1,250,000,000	4,800,000,000
1923.....		

It seems to me that parcel-post rates are exceedingly low. I have been unable to ascertain whether the parcel post is on a paying basis. I am informed, however, that an investigation is being made. When we get the report it may be deemed advisable to raise slightly the existing rates, and in such event a portion of the parcel-post receipts could very appropriately go into a public building fund.

In my judgment the Congress can not much longer refuse to meet the public demands and to act favorably upon the recommendations of the Postmaster General. The distinguished chairman of the Committee on Public Buildings and Grounds of the House has very frankly stated his position, and he is entitled to public commendation for doing all that he can reasonably do in the public interest. I am in favor of preparing and filing with the Committee on Public Buildings and Grounds a request signed by Members of the House that a public buildings bill be reported to the House within a reasonable time and providing for a public buildings commission and a public building program. [Applause.]

Mr. PAIGE. Mr. Chairman, will the gentleman yield?

Mr. MAGEE of New York. Yes.

Mr. PAIGE. I agree fully with the remarks of the gentleman, but it may be that if the House would pass such a bill the President would veto it, as two Presidents have said they would do. The Joint Postal Commission that the gentleman refers to has considered the matter of an \$8,000,000 building in New York. It is absolutely necessary that something be done in New York. The joint commission is fearful of presenting that to the House because coupled with it there would be a reasonable demand for a general public building bill. I have the same situation in two cities of the district I have the honor to represent as the gentleman has in Syracuse.

The business in both those cities has increased 100 per cent, and the sites which they have obtained stand there vacant. I believe in a general public building bill. I believe it would be passed if it were reported to the Congress.

Mr. MAGEE of New York. I do not think that we should concern ourselves about what somebody else may do in the premises. Let us meet our own responsibility.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MAGEE of New York. Yes.

Mr. BLANTON. The gentleman is one of the few whom the House has honored by placing him on the Committee on Appropriations. He is the agent of the House. We look to him, among others, to get information about all those subjects. If he can not get the information as to whether our parcel post is a paying business, where are we going to get the information from?

Mr. MAGEE of New York. Let me answer the distinguished gentleman from Texas. A committee called a cost-ascertaining committee in the Post Office Department, has been investigating this question for some time, as I understand for several months, and I am informed that this committee can not possibly complete its investigation and make its report at least prior to July 1. We shall have to wait for the report.

Mr. BLANTON. Can not the Post Office Department take a trial balance of its books and find out whether the receipts are more or less than the disbursements on the parcel-post business? Surely they can keep a set of books upon which they could take off a trial balance.

Mr. MAGEE of New York. As I have said, the number of parcels handled in 1913 was 417,271,139, weighing in the aggregate 739,038,302 pounds, and in 1923 the number of parcels was 1,250,000,000, weighing 4,800,000,000 pounds. They are investigating the proposition, and we will get the report in due time.

Mr. PAIGE. Mr. Chairman, will the gentleman yield again?

Mr. MAGEE of New York. Yes.

Mr. PAIGE. The Joint Postal Commission has been six or eight months investigating that proposition, and they have not yet been able to make any report. There is no question in my mind but what we are losing from \$20,000,000 to \$25,000,000 a year on the parcel post, but we do not know the actual facts, notwithstanding they have been six months in trying to ascertain them without obtaining any answer to the proposition.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. MAGEE of New York. Yes.

Mr. JACOBSTEIN. The gentleman spoke of the possible recommendation of an increase in the charge on parcel-post packages. Might not that interfere with the program of those who want to raise the wages of the postal employees from increased revenues derived from the parcel post?

Mr. MAGEE of New York. I do not make any recommendation on that subject.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. MAGEE of New York. Yes.

Mr. LINEBERGER. I am very much interested in the gentleman's program covering a period of years. There was just one thing that I did not get from the gentleman's remarks, and that is this: Will you propose that the post-office buildings allotted, say, in the first year, would be on the basis of the requirements all over the country, or would you allot them at random?

Mr. MAGEE of New York. I assume that if my suggestions should be carried out, the recommendations of the Public Buildings Commission would be in accordance with the urgent needs of the Government.

Mr. LINEBERGER. I would be in favor of it.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. MAGEE of New York. Yes.

Mr. WILLIAMSON. How large an appropriation do you think ought to be authorized for this purpose?

Mr. MAGEE of New York. That is for the determination of the Committee on Public Buildings and Grounds of the House.

Mr. PAIGE. Just one question more.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MAGEE of New York. I ask the chairman to yield me one minute in order to answer the gentleman from Massachusetts.

Mr. MADDEN. I yield the gentleman one more minute.

Mr. PAIGE. The gentleman on my left [Mr. JACOBSTEIN] has asked a very pertinent question. We have pending before Congress several bills looking to the reclassification of postal employees; if those bills pass the House they will cost the country somewhere from fifty to seventy-five million dollars a year. It has been thought by some that one or two cents a pound on parcel post would pay that expense, and that is a matter which must be considered. We are all in favor of economy, but at the same time we want post-office buildings, the reclassification of salaries, and so forth, and no one, except my friend, the gentleman from Texas [Mr. BLANTON], can state how that can be brought about.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield one hour to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, I ask that the Chair call me to order when I have consumed 20 minutes. I also, like those who have preceded me, have some tables which came to our committee that I would like to ask unanimous consent to insert in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to insert certain tables in the RECORD. Is there objection?

There was no objection.

Mr. GALLIVAN. Mr. Chairman, the last word I had in this speech was about the losses on parcel post, and you will be astounded when I tell you that when Representative Halvor Steenerson, chairman of the Committee on the Post Office and Post Roads, was retiring from Congress in the last Congress he estimated, in a speech on this floor, that the loss on parcel post was \$210,000,000 per year.

Mr. MADDEN. That could not be so, because we do not get that much from it.

Mr. GALLIVAN. It is according to the RECORD.

Mr. MADDEN. Well, the RECORD is wrong.

Mr. GALLIVAN. Well, it is in the RECORD, and he made the statement.

Now, then, the Post Office Department finds itself in a peculiar position, in that the more parcel-post business it handles the more money it loses, and these losses are attempted to be made up by adding additional burdens to the employees and keeping their salaries at the poverty line.

I seldom disagree with the chairman of my committee. No man in this Congress stands in higher esteem throughout the country or works any harder than MARTIN B. MADDEN, the chairman of the Committee on Appropriations. [Applause.] But so much has been said by the distinguished gentleman from New York [Mr. MAGEE] about a public-building program that I want to try to help those who live in those public build-

ings and who work in the Post Office Department, whether it be letter carriers, clerks, rural free delivery men, or Railway Mail Service men. And it is a strange situation.

I supposed that practically every Member of this House knew that the Committee on Appropriations has no legislative powers, and yet I have been asked by at least 25 Members of this House, "Why did not your committee put into this appropriation bill enough money to take care of the increases in salaries which are now pending before the Committee on the Post Office and Post Roads, and which will come out in one form or another?" I am looking for a report to be made by the Post Office Committee, and while I am informed there are a number of bills pending before that committee, it seems, from what I have been able to gather, that the two bills which are in the lead are the so-called Kelly bill and the bill presented by my distinguished colleague, Mr. PAIGE, of Massachusetts.

Since the convening of the Sixty-eighth Congress I have been in receipt of hundreds of letters indorsing the provisions of H. R. 4123. These letters come from local chambers of commerce, Kiwanis and Rotary Clubs, labor and fraternal organizations, women's clubs, and civic organizations of every kind. Many of them contain resolutions adopted by these organizations after thorough investigation by special committees. This in itself shows that there is much merit in the provisions of H. R. 4123, and I look forward to the time when I can cooperate with my colleagues and vote for this measure.

The salaries paid to postal employees were fixed by Congress in the act approved June 5, 1920, and are totally inadequate for the importance of the duties performed and they are not sufficient to properly enable these employees to live in accordance with their proper needs. When the Joint Congressional Commission on Postal Salaries was investigating this question they visited a number of large post offices throughout the country. At these hearings the representatives of the employees appeared and gave their testimony and filed briefs setting forth their views as to the needs of an increase in pay.

The post-office clerks and letter carriers asked that the committee reclassify their salaries into three grades: First grade, salary \$1,800; second grade, salary \$2,100; and third grade, salary \$2,400; substitutes to be paid at the rate of 80 cents per hour. The arguments put forth by these employees and their representatives—and I had the honor to attend the sessions of the commission when it came to Boston—were not refuted, but, on the contrary, they were generally admitted to be conservative and based upon the facts. When the commission made its report to Congress, on May 31, 1920, they recommended a reclassification of salaries of letter carriers and post-office clerks into five grades, beginning with a minimum of \$1,400 and by annual promotions of \$100 to reach a maximum grade of \$1,800. But five days remained between May 31, 1920, and the adjournment of the second session of the Sixty-sixth Congress on June 5, 1920. As you know and I know there was not sufficient time before the adjournment of Congress to have the bill amended without imperiling its chances of passage. It was admitted by members of the commission at that time that the increase granted did not equal the increased cost of living. The bill was signed at a time when it was believed that the cost of living would recede to such an extent that the increases would soon make the purchasing power of the dollar equivalent to that of 1914. In connection with that, I want to refer to what the distinguished gentleman from New York [Mr. MAGEE] said a moment ago in answer to the gentleman from Texas [Mr. BLANTON] when he was asked about his public-building program, and if there was not a likelihood of there being a drop in salaries and a lesser cost of materials. How does he know? We have this example of what Congress did in 1914 when it tried to raise the salaries of postal employees in order to give them a chance to get something to eat now and then. But the cost of living has not gone down, and I do not know whether the cost of building is going down at any more rapid rate than the cost of living went down.

These predictions, I repeat, have failed to materialize, and in all fairness I say that the Congress should no longer deny the postal employees an increase in their salaries that will be sufficient to permit a decent maintenance of their families and make possible that amount of saving necessary to protect the faithful worker and his family against sickness and disability.

I desire to draw the attention of the Members of the House to a resolution adopted at the last convention of the National

Association of Postmasters, held in Washington, D. C., October 10 and 11, 1923. The resolution reads as follows:

Resolved, That the National Association of Postmasters favor such reasonable upward revision of salaries of post-office employees and supervisory officers as is consistent with living costs as an act of justice, and as an incentive to a high standard of service, efficiency, and morale, and in order to attract to and keep in the post-office service the highest and best type of employees.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. JACOBSTEIN. Has there not appeared an answer in this appropriation bill by increasing their salaries 50 per cent?

Mr. GALLIVAN. No; that is an increase in the number of employees.

Mr. JACOBSTEIN. Are none of their salaries increased?

Mr. GALLIVAN. No. The Committee on Appropriations has no more right to increase a salary one dollar than the gentleman has.

Mr. BLANTON. Will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. BLANTON. But the committee can so frame a paragraph in this bill that equipment to rural carriers could be allowed.

Mr. GALLIVAN. Unless the gentleman from Texas threw it out on a point of order.

Mr. BLANTON. I could draw a paragraph on the question of equipment that would be impervious to a point of order.

Mr. GALLIVAN. When this bill is reached under the five-minute rule I hope the gentleman from Texas will make good.

Mr. BLANTON. I expect to present one.

Mr. GALLIVAN. But there is no doubt some gentleman will make a point of order.

In speaking on the subject "Training to develop efficiency in the Postal Service" before the postmasters' convention, Postmaster John B. Mullan, of Rochester, N. Y., made the following statement:

Mr. MULLAN. Now, the quicker Congress wakes up to the fact that we have got to pay adequate salaries—that goes right down through the list, but I am not as much concerned about the man who gets \$2,200, \$2,400, \$2,600, or \$3,000 a year—he can get along, but the fellow who is working for \$1,200, \$1,500, \$1,600, \$1,700, or \$1,800 is not getting money enough.

Mr. MADDEN. None of them will be found working for \$1,200; the least is \$1,400.

Mr. GALLIVAN. My distinguished leader is so thoroughly familiar with all these questions that I do not like to challenge his statement, but here is a speech made in October, just a few months ago, by the postmaster at an approximately large city.

Mr. MADDEN. The postmaster evidently did not have proper information, because the gentleman from Massachusetts knows that the lowest salary is the entrance salary, which is \$1,400.

Mr. GALLIVAN. This postmaster says:

One of my carriers, an old reliable man, told me just this last week that 15 years ago on a \$1,200 salary they lived better and saved more money than they can now on \$1,800.

So that if you have followed the trend of the conventions held by the clerks and carriers and the supervisory officers this last month or two you will find that where they differed on many of their recommendations and differed among themselves about certain things there was one thing that they were absolutely unanimous on, and that was the question of demanding a more adequate salary.

I think it was our President who told us from the platform this morning that the thing for us to do as individual postmasters was to go back at our individual Representatives in Congress and see that they gave proper attention to this very important matter if we are going to get the right kind of material from which to develop efficiently trained postal servants.

Mr. MADDEN. Will the gentleman yield?

Mr. GALLIVAN. Certainly.

Mr. MADDEN. I was wondering whether the postmaster who is being quoted was as much interested in the rank and file of the people in the service as he was in a possible increase for himself.

Mr. GALLIVAN. Not being acquainted with the distinguished postmaster of Rochester, N. Y., I can not answer my chairman; but he is evidently telling a pretty good story and he is quoting a Republican President of the United States.

This is the sentiment expressed by the postmasters who are charged with the administration of post offices, and I submit to you that their advice should be heeded. When these men who are charged with the duties of conducting the postal service in their respective cities are forced to call upon Con-

gress for the enactment of legislation that will pay salaries that will be an inducement for high-grade men to take the civil-service examinations it is time for Congress to heed.

A statement issued from the Post Office Department calling the attention of the public to the large number of vacancies in the clerk-carrier position in first and second class post offices contains the following:

The standard of tests for these examinations are being lowered, and the chances for appointment are, therefore, brighter than they formerly were.

The result has been that owing to the inadequacy of the compensation an inferior class of applicants took the civil-service examinations. This has become so noticeable that the last national convention of the National Association of Letter Carriers adopted a resolution calling on the United States Civil Service Commission to make the requirements for letter carriers' examinations more stringent, both technical and physical. If we are to maintain a high-grade and efficient Postal Service we must pay salaries that will be an inducement for men to take the civil-service examinations who intend to make the Postal Service their life work.

WAGES OF POSTAL EMPLOYEES FAR BELOW WAGES PAID IN THE MECHANICAL TRADES.

I submit herewith a list of mechanical trades where the wages paid to skilled and unskilled employees are in excess of those paid to post-office clerks and letter carriers:

Hourly scales for knit-goods workers, New York City.

Hand knitters.....	\$1.25
Power-machine mechanics.....	1.36
Power-machine operators.....	1.00
Power-machine helpers.....	.68
Cutters.....	.68
Operators.....	.75
Menders.....	.80

Scale of wages in mechanical trades.

PRINTING TRADES.

Occupation.	Weekly scale.	Hours per week.
Electrotype finishers and molders.....	\$59.00	44
Lithographers.....	50.00	48
Photo-engravers.....	55.00	44
Pressmen, book and job.....	50.00	44
Pressmen, newspaper.....	51.00	48
Stereotypers, book and job.....	59.00	44
Stereotypers, newspaper.....	59.00	48

BAKERY TRADES.

First hands, hand bakeries.....	\$47.00	48
Second hands, hand bakeries.....	44.00	48
Oven men, spongers, machine.....	49.00	48
Hebrew Bakers:		
First hands.....	60.00	48
Second hands.....	54.00	48
Polish bakers:		
First hands.....	57.00	48
Second hands.....	55.00	48

¹ And up.

METAL TRADES.

Blacksmiths.....	\$49.50	44
Boilermakers.....	55.13	49
Machinists:		
Jobbing.....	49.50	44
Shops.....	55.00	
Outside.....	49.50	44
Outside.....	55.00	
Pattern makers:		
Pattern manufacturing shops (wood).....	44.00	44
Pattern jobbing shops.....	50.00	44
Pattern architectural shops.....	46.20	44
Pattern manufacturing shops (metal).....	44.00	44

MILLWORK.

Millwork, carpenters.....	\$44.00	44
Carpenters in cabinet shops.....	49.50	44

CLOTHING TRADES.

Women's clothing (cloak cutters).....	\$44.00	44
Women's clothing (cloak operators).....	50.00	44
Men's clothing cutters (hand).....	51.00	44
Men's clothing cutters (machine).....	51.00	44

Scale of wages in mechanical trades—Continued.
OTHER TRADES.

Occupation.	Weekly scale.	Hours per week.
Stationary and operative engineers (inside).....	\$48.00	48
Steam-shovel and dredgemen engineers.....	63.60	48
Steam-shovel and dredgemen crane-men.....	51.84	48
Upholsterers.....	49.50	44
Carpet layers.....	50.88	44

Average earnings per hour in foundries and machine shops, by occupations, 1923.

FOUNDRIES.		Average earnings per hour.
Core makers.....		\$0.690
Molders, hand, bench.....		.687
Molders, hand, floor.....		.729
Molders, machine.....		.678
Pattern makers.....		.751
MACHINE SHOPS.		
Blacksmiths.....		.678
Boring-mill hands and operators.....		.660
Fitters and bench hands.....		.616
Lathe hands and operators, engine.....		.633
Lathe hands and operators, turret.....		.610
Machinists.....		.683
Planer hands and operators.....		.663
Toolmakers.....		.693
Other skilled machine-shop occupations.....		.618

Wage scales prevailing May 15, 1923.¹

City.	Occupation.	Hourly scale.
Boston, Mass.....	Freight handlers..	\$0.65
Portland, Oreg.....	do.....	.80
New York, N. Y.....	Stonecutters.....	1.125
Philadelphia, Pa.....	do.....	1.00
St. Louis, Mo.....	do.....	1.25
Seattle, Wash.....	do.....	1.125
Toledo, Ohio.....	do.....	1.04
San Francisco, Calif. (laundry workers).....	Head markers.....	.66
Do.....	Washermen.....	.625
Baltimore, Md.....	Linemen.....	1.00
Detroit, Mich.....	do.....	.96
Newark, N. J.....	do.....	1.125
Pittsburgh, Pa.....	do.....	1.25
Scranton, Pa.....	do.....	.84
Wichita, Kans.....	do.....	.80

¹ There have been no decreases but there may have been increases since these rates were published.

Present scales of dress industry, New York City.

Occupation:	Weekly rate.
Cutters.....	\$44
Operators.....	40
Pressers.....	42

Scale of wages in transportation.

City.	Occupation.	Rate.
New York.....	Longshoremen.....	80 cents per hour.
Do.....	Coopers.....	Do.
Do.....	Checkers.....	\$5 per 8-hour day.
New Orleans, La.....	Longshoremen.....	80 cents per hour.
New York.....	Teamsters.....	\$34 per week for single team.
Detroit, Mich.....	Linemen.....	\$1.06 per hour.
Boston, Mass.....	Street car operators and conductors.....	70 cents per hour, plus 8 cents for 1-man cars.
New York.....	Bus drivers.....	62 to 68 cents.
Do.....	Bus conductors.....	69 to 75 cents.
Portland, Oreg.....	Grain handlers.....	65 cents.
Chesapeake & Ohio.....	Mechanics.....	72 cents.
New York City Elevated Railway.....	Carmen.....	50 to 63 cents.

It will be noted that each of the trades above printed are paid a higher rate than that paid to letter carriers. A mechanic in industry is paid the scale as soon as he is employed, while the letter carrier works on an average of eight years before he reaches the maximum grade.

The rates paid letter carriers in the different grades are as follows:

An average of more than three years as substitute at the rate of 60 cents an hour when actually employed. When appointed to a position as regular carrier, the salaries paid to letter carriers are as follows:

	Per annum.	Per 30-day month.	Per day.	Per hour.
First grade.....	\$1,400	\$116.67	\$3.89	\$0.4862
Second grade.....	1,500	125.00	4.17	.5212
Third grade.....	1,600	133.33	4.44	.5555
Fourth grade.....	1,700	141.67	4.72	.59
Fifth grade.....	1,800	150.00	5.00	.625

TABLE I.—Minimum health and decency budget—A mount of yearly expenditure necessary.

Date of pricing.	Total budget at time priced.	Total budget September, 1923.	Details of budget at time priced.					
			Food.	Clothing.	Rent.	Light and heat.	House equipment.	Miscellaneous.
November, 1920, New York.....	\$2,632.68	\$2,292.81	\$871.80	\$329.96	\$437.35	\$68.59	\$69.23	\$655.75
March, 1921, Philadelphia.....	2,385.27	2,310.97	705.81	463.52	295.34	86.88	77.43	755.29
March, 1921, New York.....	2,333.99	2,253.07	698.58	398.02	443.48	83.50	59.46	650.95
April, 1921, Brooklyn.....	2,402.34	2,319.05	798.04	402.02	420.78	108.47	43.66	629.37
April, 1921, Chicago.....	2,557.06	2,482.53	713.08	419.89	423.60	168.64	62.85	769.00
June, 1921, Schenectady.....	2,067.02	2,042.94	622.26	379.05	250.74	129.97	60.14	624.86
July, 1921, Rochester.....	2,262.76	2,236.41	621.38	478.04	388.44	154.50	71.34	549.06
November, 1921, Chicago.....	2,445.65	2,458.42	617.52	375.01	1,572.58	151.36	57.36	771.82
March, 1922, San Francisco.....	2,633.82	2,580.47	611.42	484.78	454.92	97.43	70.30	814.97
March, 1922, Philadelphia.....	2,351.36	2,435.23	679.68	395.34	414.36	97.73	57.50	706.75
October, 1922, Minneapolis.....	2,509.46	2,550.59	656.82	426.67	1,561.48	135.76	83.90	744.83
November, 1922, Reading, Pa.....	2,079.87	2,113.85	623.38	322.02	268.32	147.71	52.70	665.74
December, 1922, Los Angeles.....	2,573.09	2,611.43	684.59	460.69	580.92	63.00	65.53	718.36

¹ Heat is included with "Rent."

TABLE II.—Skilled workers' budget.

Date of pricing.	Total budget at time priced.	Total budget September, 1923.	Details of budget at time priced.					
			Food.	Clothing.	Rent.	Light and heat.	House equipment.	Miscellaneous.
October, 1921, New York City.....	\$2,938.00	\$2,868.28	\$733.01	\$555.41	\$510.48	\$63.24	\$71.72	\$964.74
November, 1921, Chicago, Ill.....	2,879.43	2,894.47	617.52	497.09	1,572.38	151.36	63.86	1,077.02
June, 1922, Scranton, Pa.....	2,513.12	2,585.88	727.07	432.76	340.24	39.24	64.28	909.53
September, 1922, New York City.....	2,875.57	2,972.15	708.34	504.49	1,666.66	.....	59.51	936.57
October, 1922, Minneapolis.....	2,920.63	2,968.51	636.82	537.43	1,561.48	135.70	90.11	1,039.03
November, 1922, Reading, Pa.....	2,416.27	2,455.76	623.38	404.70	268.32	147.71	58.42	913.74

¹ Heat is included with "Rent."

² Heat and light are included with "Rent."

A MINIMUM BUDGET REQUIRED FOR FAMILIES.

According to a statement issued by the Visiting Housekeeper Association, Detroit, Mich., a minimum budget of expenses of a wage earner's family consisting of father, mother, girl of 5, girl of 12, and boy of 14, for the month of September, 1923, was \$171.03, or at the rate of \$2,052.36 per annum. This budget summarizes the items of expense as follows:

Expenses.	Month.	Year.
Food.....	\$49.40	\$592.80
Clothing and toilet articles.....	31.61	379.32
Rent.....	45.00	540.00
Household furnishings and household sundries.....	9.02	108.24
Fuel and light.....	12.86	154.32
Extras.....	7.01	84.12
Insurance.....	1.16	13.92
Health.....	4.97	59.64
Savings.....	10.00	120.00
Total.....	171.03	2,052.36

COST OF LIVING.

I also submit for your information a cost-of-living budget prepared by the United States Bureau of Labor Statistics. The budget contains a "Tentative quantity and cost budget necessary to maintain a family of five in Washington, D. C., at a level of health and decency":

THE COST OF LIVING.

The United States Bureau of Labor Statistics of the Department of Labor has prepared a "Tentative quantity and cost budget necessary to maintain a family of five in Washington, D. C., at a level of health and decency." The budget consists of a list of articles or services which a family must buy, together with the quantities required for one year's use. This budget is designed "to give to the average family, consisting of husband, wife, and three children below the age of 14 years:

(1) A sufficiency of nourishing food for the maintenance of health, particularly the children's health.

(2) Housing in low-rent neighborhoods and within the smallest possible number of rooms consistent with decency, but with sufficient light, heat, and toilet facilities for the maintenance of health and decency.

(3) The upkeep of household equipment, such as kitchen utensils, bedding, and linen, necessary for health, but with no provision for the purchase of additional furniture.

(4) Clothing sufficient for warmth, of a sufficiently good quality to be economical, but with no further regard for appearance and style than is necessary to permit the family members to appear in public and within their rather narrow social circle without slovenliness or loss of self-respect.

(5) A surplus over the above expenditures which would permit of only a minimum outlay for such necessary demands as—

(a) Street car fares to and from work and necessary rides to stores and markets.

(b) The keeping up of a modest amount of insurance.

(c) Medical and dental care.

(d) Contributions to churches and labor or beneficial organizations.

(e) Simple amusements, such as the moving pictures once in a while, occasional street car rides for pleasure, some Christmas gifts for the children, etc.

(f) Daily newspaper.

The Department of Labor priced this budget in August, 1919. At that time the cost amounted to \$2,262.47. In order to bring this budget up to date, we have applied to it the most recent cost-of-living figures of the Department of Labor. In September, 1923, the cost of this budget was \$2,040.73.

The Labor Bureau (Inc.), through trained investigators, has carefully priced the items of this budget in typical working-class districts in a number of cities at various times. The results of these studies are summarized in Table I below. The amount of the total budget for September, 1923, has been computed by modifying the previous totals by the Department of Labor's most recent cost-of-living index.

However, in the words of the Department of Labor, "it needs to be emphasized that the budget level adopted in the present study is in no way intended as an ideal budget. It was intended to establish a bottom level of health and decency below which a family can not go without danger of physical and moral deterioration. This budget does not include many comforts which should be included in a proper 'American standard of living.' Thus no provision is directly made for savings other than insurance, nor for vacations, nor for books and other educational purposes."

In order to remedy the most obvious deficiencies of this budget the Labor Bureau has prepared a "Minimum budget for a skilled worker."

This has been established by adding to the "Minimum health and decency budget" a few items of clothing, furniture, household equipment, savings, recreation, and education which may be considered essential for a slightly higher standard. For example, we let the skilled worker buy a new overcoat every three years instead of every four; we indulge his wife in the luxury of a silk dress every three years and one pair of kid gloves and two pairs of silk stockings annually, none of which the Government budget grants to a worker's wife; we allow the children six sets of underwear per year, instead of five, and four nightgowns instead of two, which, according to the Bureau of Labor Statistics' budget, should suffice for health and decency. By way of household equipment the Labor Bureau has added some very necessary utensils and, in addition, a few pieces of furniture to help create a home instead of the bare living quarters provided by the Government budget. In this category are a clock, a lamp, a bookcase, and three photographs or prints for decorative purposes. In the miscellaneous section of the budget they have made an allowance for weekly savings for a short vacation each year, for cultural education for one of the children, for some books and pamphlets for the family, surely all of which should be within the worker's reach.

It will be noted that the annual rate of pay of even fifth-grade letter carriers is considerably below the minimum amount necessary to maintain a family in health and decency.

Mr. Chairman, I reserve the balance of my time until tomorrow.

The CHAIRMAN. The gentleman from Massachusetts reserves the balance of his time.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SANDERS of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6349) making appropriations for the Post Office and Treasury Departments for the fiscal year ending June 30, 1925, and for other purposes, and had come to no resolution thereon.

RESIGNATION FROM A COMMITTEE.

The SPEAKER laid before the House the following communication:

JANUARY 31, 1924.

HON. FREDERICK H. GILLET,.

Speaker of the House of Representatives.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Flood Control.

Very respectfully,

CARL HAYDEN,
Member of Congress, Arizona.

The SPEAKER. Without objection, the resignation is accepted.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President, which, with the accompanying papers, was referred to the Committee on Interstate and Foreign Commerce.

To the Congress of the United States:

I transmit herewith, for the information of the Congress, a report of the Federal Trade Commission covering its administration of certain powers vested in the President by section 10 of the act of Congress approved October 6, 1917, being an act to "define, regulate, and punish trading with the enemy, and for other purposes," and by the President delegated to the Federal Trade Commission by Executive order dated October 12, 1917.

CALVIN COOLIDGE.

THE WHITE HOUSE, January 31, 1924.

ENROLLED BILLS SENT TO THE PRESIDENT FOR HIS APPROVAL.

The Committee on Enrolled Bills reported that they had presented to the President of the United States for his approval bills and joint resolutions of the following titles:

H. J. Res. 70. Joint resolution authorizing payment of the salaries of the officers and employees of Congress for December, 1923, on the 20th day of that month;

H. R. 5196. An act granting the consent of Congress to the construction of a bridge across the Rio Grande;

H. R. 3770. An act for the examination and survey of Dog River, Ala., from the Louisville & Nashville Railroad bridge to the mouth of said river, including a connection with the Mobile Bay ship channel;

H. R. 3680. An act authorizing the building of a bridge across Kingston Lake at Conway, S. C.; and

H. R. 3679. An act to authorize the building of a bridge across the Pee Dee River in South Carolina.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—
To Mr. COLLINS, for three days, on account of sickness.
To Mr. JOST, for 10 days, on account of important business.

EXTENSION OF REMARKS—NORMAL TAX AND SURTAX UNDER DEMOCRATIC AND MELLON PLANS.

Mr. GARNER of Texas. Mr. Speaker, under leave to extend my remarks I insert the following tables, which con-

sist of the first four columns showing the normal tax and surtax as effectuated by the Democratic and Mellon plans, which were prepared by the Treasury Department and sent to me to-day by Secretary Mellon. It will be recalled that I requested these estimates from the Treasury Department on the 8th of this month, and I am only able to give them to the House at this time on account of the delay of the Treasury in forwarding them to me. I am advised by Secretary Mellon that this delay was caused by the tremendous labor necessary to prepare the statistics.

Estimated effect upon the revenue of the proposed changes in the individual income tax law upon the base of 1921 returns.

DEMOCRATIC PLAN.				MELLON PLAN.			
Income-tax brackets.	Number paying tax in each bracket.	Loss in tax as compared with 1921 returns.		Income-tax brackets.	Number paying tax in each bracket.	Loss in tax as compared with 1921 returns.	
		Normal tax (loss).	Surtax (loss).			Normal tax (loss).	Surtax (loss).
Under \$5,000.....	1,138,626	\$135,881,730		Under \$5,000.....	3,589,985	\$50,172,577	
\$5,000 to \$10,000.....	494,512	31,917,612	\$29,074,177	\$5,000 to \$10,000.....	525,603	15,435,309	\$29,074,177
\$10,000 to \$20,000.....	172,359	3,250,059	40,934,915	\$10,000 to \$20,000.....	172,359	1,750,702	31,001,187
\$20,000 to \$50,000.....	58,115	4,163,826	31,041,554	\$20,000 to \$50,000.....	58,115	2,278,141	30,497,417
\$50,000 to \$100,000.....	11,069	5,322,532	6,479,935	\$50,000 to \$100,000.....	11,069	4,366,853	34,423,112
\$100,000 to \$150,000.....	2,352	1,926,284	6,284,579	\$100,000 to \$150,000.....	2,352	1,292,083	20,539,169
\$150,000 to \$200,000.....	985	706,252	4,402,206	\$150,000 to \$200,000.....	985	540,163	11,372,454
\$200,000 to \$300,000.....	535	805,519	5,650,005	\$200,000 to \$300,000.....	535	430,510	12,359,383
\$300,000 to \$500,000.....	246	\$1,270,491	5,613,084	\$300,000 to \$500,000.....	246	350,990	11,223,168
\$500,000 to \$1,000,000.....	84	544,445	4,356,086	\$500,000 to \$1,000,000.....	84	272,872	8,494,365
Over \$1,000,000.....	21	468,636	5,966,654	Over \$1,000,000.....	21	124,663	11,364,807
Total loss.....		186,257,386	139,803,195	Total loss.....		77,014,854	200,352,243

The following is the entire table as sent to me by the Treasury Department:

Estimated effect upon the revenue of the proposed changes in the individual income tax law upon the base of 1921 returns.

MELLON PLAN.

Income-tax brackets.	Number paying tax in each bracket.	Loss in tax as compared with 1921 returns.					
		Normal tax (loss).	Surtax (loss).	Earned income at 75 per cent of rates (loss).	Capital losses provision (gain).	Certain deductions limited to nontaxable income (gain).	Community property provision (gain).
Under \$5,000.....	3,589,985	\$50,172,577		\$16,985,300	\$1,108,000	\$412,000	\$688,641
\$5,000 to \$10,000.....	525,603	15,435,309	\$29,074,177	8,213,000	650,000	325,000	556,677
\$10,000 to \$20,000.....	172,359	1,750,702	31,001,187	5,725,000	550,000	585,000	1,540,305
\$20,000 to \$50,000.....	58,115	2,278,141	30,497,417	5,050,000	1,250,000	450,000	317,081
\$50,000 to \$100,000.....	11,069	4,366,853	34,423,112	5,800,000	2,500,000	705,000	272,874
\$100,000 to \$150,000.....	2,352	1,292,083	20,539,169	1,500,000	4,050,000	1,610,000	668,570
\$150,000 to \$200,000.....	985	540,163	11,372,454	635,000	3,500,000	550,000	1,178,521
\$200,000 to \$300,000.....	535	430,510	12,359,383	515,000	3,500,000	540,000	1,97,109
\$300,000 to \$500,000.....	246	350,990	11,223,168	280,000	3,200,000	430,000	
\$500,000 to \$1,000,000.....	84	272,872	8,494,366	70,000	2,400,000	655,000	
Over \$1,000,000.....	21	124,663	11,364,807	75,000	2,300,000	250,000	
Gain.....					25,008,000	6,512,000	2,391,135
Loss.....		77,014,854	200,352,243	44,358,300			287,814,231

DEMOCRATIC PLAN.

Income-tax brackets.	Number paying tax in each bracket.	Loss in tax as compared with 1921 returns.					
		Normal tax (loss).	Surtax (loss).	Earned income provision (loss).	Capital losses provision (gain).	Certain deductions limited to nontaxable income (gain).	Community property provision (gain).
Under \$5,000.....	1,138,626	\$135,881,730		\$7,345,000	\$1,000,000	\$465,000	\$359,610
\$5,000 to \$10,000.....	494,512	31,917,612	\$29,074,177	6,800,000	650,000	375,000	1,468,922
\$10,000 to \$20,000.....	172,359	3,250,059	40,934,915	5,960,000	600,000	605,000	1,176,968
\$20,000 to \$50,000.....	58,115	4,163,826	31,041,554	13,950,000	1,500,000	500,000	830,880
\$50,000 to \$100,000.....	11,069	5,322,532	6,479,935	12,850,000	3,000,000	750,000	946,582
\$100,000 to \$150,000.....	2,352	1,926,284	6,284,579	4,650,000	4,350,000	1,715,000	64,321
\$150,000 to \$200,000.....	985	706,252	4,402,206	1,850,000	4,200,000	600,000	1,72,193
\$200,000 to \$300,000.....	535	805,519	5,650,005	1,600,000	4,500,000	590,000	
\$300,000 to \$500,000.....	246	\$1,270,491	5,613,084	1,000,000	3,115,000	500,000	
\$500,000 to \$1,000,000.....	84	544,445	4,356,086	900,000	2,580,000	725,000	
Over \$1,000,000.....	21	468,636	5,966,654	400,000	2,000,000	300,000	
Gain.....					27,495,000	7,125,000	764,090
Loss.....		186,257,386	139,803,195	57,305,000			347,981,491

¹Loss.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 51 minutes p. m.) the House adjourned until to-morrow, Friday, February 1, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

332. A letter from the president of the Washington Railway & Electric Co., transmitting report of the Washington Railway & Electric Co., for the year ended December 31, 1923; to the Committee on the District of Columbia.

333. A letter from the president of the City & Suburban Railway of Washington, transmitting report of the City & Suburban Railway of Washington for the year ended December 31, 1923; to the Committee on the District of Columbia.

334. A letter from the president of the Georgetown & Tenallytown Railway Co., transmitting report of the Georgetown & Tenallytown Railway Co., for the year ended December 31, 1923; to the Committee on the District of Columbia.

335. A letter from the president of the Washington & Interurban Railroad Co., transmitting report of the Washington & Interurban Railroad Co., for the year ended December 31, 1923; to the Committee on the District of Columbia.

336. A letter from the president of the Potomac Electric Power Co., transmitting report of the Potomac Electric Power Co., for the year ended December 31, 1923; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 4. A bill to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof; without amendment (Rept. No. 132). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 192. A bill to provide for a girls' dormitory at the Lapwai Indian Sanitarium, Lapwai, Idaho; with an amendment (Rept. No. 133). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS: Committee on Indian Affairs. H. R. 5799. A bill conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Seminole Indians may have against the United States, and for other purposes; without amendment (Rept. No. 134). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN: Committee on Indian Affairs. H. R. 472. A bill to authorize the deposit of certain funds in the Treasury of the United States to the credit of Navajo Tribe of Indians and to make same available for expenditure for the benefit of said Indians; with an amendment (Rept. No. 135). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN: Committee on Indian Affairs. H. R. 4804. A bill to authorize the allotment of certain lands within the Fort Yuma Indian Reservation, Calif., and for other purposes; without amendment (Rept. No. 136). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1325) granting a pension to Mary E. Grayson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4205) granting a pension to Sarah J. Boggs; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FROTHINGHAM: A bill (H. R. 6481) to authorize the award and supply of service medals to individual soldiers as prescribed by Army Regulations for the rendition of certain services; to the Committee on Military Affairs.

By Mr. GRIEST: A bill (H. R. 6482) authorizing the Postmaster General to contract for mail messenger service; to the Committee on the Post Office and Post Roads.

By Mr. HOWARD of Oklahoma: A bill (H. R. 6483) to amend an act entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," approved June 28, 1906, and acts amendatory thereof and supplemental thereto; to the Committee on Indian Affairs.

By Mr. LINEBERGER: A bill (H. R. 6484) making eligible for retirement under certain conditions officers and former officers of the World War other than officers of the Regular Army who incurred physical disability in line of duty while in the service of the United States during the World War; to the Committee on World War Veterans' Legislation.

By Mr. MORIN: A bill (H. R. 6485) to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894; to the Committee on Military Affairs.

By Mr. RAMSEYER: A bill (H. R. 6486) to amend sections 213 and 215, act of March 4, 1909 (Criminal Code), relating to offenses against the Postal Service, and sections 3929 and 4041, Revised Statutes, relating to the exclusion of fraudulent devices and lottery paraphernalia from the mails, and for other purposes; to the Committee on the Judiciary.

By Mr. SITES: A bill (H. R. 6487) granting the consent of Congress to the Clarks Ferry Bridge Co. and its successors to construct a bridge across the Susquehanna River at or near the railroad station of Clarks Ferry, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS: A bill (H. R. 6488) to authorize hospitalization of veterans of all wars without regard to the nature or origin of their disabilities; to the Committee on World War Veterans' Legislation.

By Mr. SCHAFER: A bill (H. R. 6489) to credit crews of Harvard and Yale with service performed; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 6490) for the relief of dispossessed allotted Indians of the Nisqually Reservation, Wash.; to the Committee on Indian Affairs.

By Mr. DEMPSEY: A bill (H. R. 6491) to provide for the appointment of an additional judge of the District Court of the United States for the Western District of New York; to the Committee on the Judiciary.

By Mr. RANSLEY: A bill (H. R. 6492) for the purchase of certain premises in the city of Philadelphia, Pa., for the use of the United States Public Health Service; to the Committee on Public Buildings and Grounds.

By Mr. KNUTSON: A bill (H. R. 6493) authorizing the Pillager Bands of Chippewa Indians residing in the State of Minnesota to submit claims to Court of Claims; to the Committee on Indian Affairs.

By Mr. SMITH: A bill (H. R. 6494) to provide for designating the route of the Old Oregon Trail; to the Committee on Roads.

By Mr. GARNER of Texas: Joint resolution (H. J. Res. 168) proposing certain changes in the income-tax section of the revenue act of 1921; to the Committee on Ways and Means.

By Mr. FISH: Concurrent resolution (H. Con. Res. 10) requesting the return of Harry F. Sinclair to the United States; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 6495) granting an increase of pension to Lucretia Coffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6496) for the relief of Jessie W. Graham; to the Committee on Claims.

By Mr. AYRES: A bill (H. R. 6497) granting a pension to William Crawford; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 6498) for the relief of May Adelaide Sharp; to the Committee on Foreign Affairs.

By Mr. BACON: A bill (H. R. 6499) granting a pension to Anna R. Jackson; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 6500) for the relief of W. W. Giles, deceased; to the Committee on Military Affairs.

By Mr. BOYLAN: A bill (H. R. 6501) granting a pension to Michael McGrath; to the Committee on Pensions.

By Mr. EDMONDS: A bill (H. R. 6502) for the relief of the American Insulation Co., of Philadelphia; to the Committee on Claims.

By Mr. FAUST: A bill (H. R. 6503) for the relief of John C. Hope; to the Committee on Claims.

By Mr. FREDERICKS: A bill (H. R. 6504) granting a pension to Florence C. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6505) granting an increase of pension to John J. Rogers; to the Committee on Pensions.

Also, a bill (H. R. 6506) for the relief of John Baumen; to the Committee on Claims.

By Mr. FROTHINGHAM: A bill (H. R. 6507) granting a pension to Elizabeth H. Staples; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 6508) granting a pension to Wealthy Jackson; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 6509) granting a pension to Bruce Miller; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 6510) granting an increase of pension to Catherine E. Soper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6511) granting a pension to Martha R. White; to the Committee on Invalid Pensions.

By Mr. HOWARD of Nebraska: A bill (H. R. 6512) granting a pension to John W. Genung; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 6513) to provide for an examination and survey of Grays Harbor, Wash.; to the Committee on Rivers and Harbors.

By Mr. MCCLINTIC: A bill (H. R. 6514) granting a pension to Flora B. Benham; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 6515) granting an increase of pension to Joseph A. Barnard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6516) for the relief of James Madison Brown; to the Committee on Military Affairs.

By Mr. MEAD: A bill (H. R. 6517) authorizing the Secretary of War to donate to the town of Hamburg, State of New York, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 6518) authorizing the Secretary of War to donate to the village of East Aurora, State of New York, one German cannon or fieldpiece, with its accompaniments; to the Committee on Military Affairs.

Also, a bill (H. R. 6519) authorizing the Secretary of War to donate to the village of Springville, State of New York, one German cannon or fieldpiece, with its accompaniments; to the Committee on Military Affairs.

By Mr. PEAVEY: A bill (H. R. 6520) granting an increase of pension to Urzula Levissee; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 6521) granting an increase of pension to Jessie M. Monroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6522) granting an increase of pension to Alma Staker; to the Committee on Pensions.

Also, a bill (H. R. 6523) granting a pension to John T. Wamsley; to the Committee on Pensions.

By Mr. SMITHWICK: A bill (H. R. 6524) granting a pension to Fannie McAllister; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 6525) granting a pension to Della Loveless; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 6526) for the relief of Thomas Green; to the Committee on Claims.

Also, a bill (H. R. 6527) for the relief of M. L. Ward; to the Committee on Claims.

By Mr. TREADWAY: A bill (H. R. 6528) granting a pension to Sarah J. Harrison; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 6529) to validate certain payments made to George M. Apple and to authorize the General Accounting Office to allow credit to certain disbursing officers for payments of salaries made on properly certified and approved vouchers; to the Committee on Claims.

By Mr. WILSON of Indiana: A bill (H. R. 6530) granting a pension to Elizabeth Dasset; to the Committee on Invalid Pensions.

By Mr. CURRY: Joint resolution (H. J. Res. 167) for the relief of special disbursing agents of the Alaskan Engineering Commission, authorizing the payment of certain claims, and for other purposes affecting the management of the Alaska Railroad; to the Committee on the Territories.

By Mr. VAILE: Joint resolution (H. J. Res. 169) authorizing the Federal Reserve Bank of Kansas City to invest its funds in the construction of a building for its branch office at Denver, Colo.; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

811. By the SPEAKER (by request): Petition of Ernst Zobel Co. (Inc.), Brooklyn, N. Y., favoring Mellon's tax-reduction plan; to the Committee on Ways and Means.

812. By Mr. ALDRICH: Resolutions of Loggia Italia No. 263, Order Sons of Italy, Providence, R. I., opposing the selective immigration bill; also Providence Hebrew Beneficial Association, Providence, R. I., opposing selective immigration bill; to the Committee on Immigration and Naturalization.

813. By Mr. BURTON: Petition of the Cleveland Times and 250 citizens of Cleveland, Ohio, requesting the passage of the tax-reduction plan as recommended by Secretary Mellon; to the Committee on Ways and Means.

814. Also, petition signed by 500 residents of the city of Cleveland, requesting support of the measure now pending in Congress to amend the Volstead Act by permitting the manufacture and sale of beer and light wines; to the Committee on the Judiciary.

815. By Mr. CULLEN: Petition of joint committee of the Patrolmen's Benevolent Association and the Uniformed Firemen's Association, urging the passage of House bill 4123, granting an increase in salaries to letter carriers and postal clerks; to the Committee on the Post Office and Post Roads.

816. Also, petition of board of directors of the American Prison Association, recommending the establishment of a Federal industrial reformatory for boys and young men, and the establishment of a Federal industrial farm for women; to the Committee on the Judiciary.

817. Also, petition of United Wall Paper Crafts of North America, Print Cutters Local, No. 1, believing in the doctrine "that the laborer is worthy of his hire" and having due regard for the high cost of living, recommending, therefore, an adequate readjustment of the salaries of letter carriers and post-office clerks; to the Committee on the Post Office and Post Roads.

818. Also, petition of the Bay Ridge Community Center of Brooklyn, N. Y., favoring an increase in salaries of letter carriers and postal clerks; to the Committee on the Post Office and Post Roads.

819. By Mr. FENN: Petition of Sons of Italy, New Britain, Bristol, and of the State of Connecticut, and the Hartford Chapter of Hadassah, protesting against the passage of House bill 101; to the Committee on Immigration and Naturalization.

820. By Mr. GALLIVAN: Petition of Michael J. Perkins Post, No. 67, American Legion, South Boston, Mass., Theodore T. Evans, adjutant, recommending immediate passage of the adjusted compensation bill now before Congress; to the Committee on Ways and Means.

821. By Mr. KAHN: Petition of the National Association of Railroad and Utilities Commissioners, urging Congress to amend the interstate commerce act and repeal of section 15-A; to the Committee on Interstate and Foreign Commerce.

822. By Mr. O'CONNELL of Rhode Island: Petition of members of the Providence Hebrew Beneficial Association of the State of Rhode Island, opposing the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

823. By Mr. ROSENBLOOM: Petition of Domenico Larosa, Venerable Lodge Generale Diaz, No. 1139, of the Order of Sons of Italy in America, Fairmont, W. Va., and 300 others, residents of the city of Fairmont, W. Va., protesting against House bill 101, known as the Johnson selective immigration bill; to the Committee on Immigration and Naturalization.

824. By Mr. SINCLAIR: Petition of citizens of Dogden, N. Dak., in favor of House bill 4159; to the Committee on Agriculture.

825. By Mr. SITES: Papers accompanying House bill 6469, granting a pension to Joseph P. Lemberger; to the Committee on Invalid Pensions.

826. By Mr. SMITH: Petition of numerous citizens of Idaho Falls, Idaho, opposing any modification of the Volstead Act; to the Committee on the Judiciary.

827. By Mr. STRONG of Pennsylvania: Petition of Italian-American citizens of Beyer, Pa., in reference to the selective immigration bill; to the Committee on Immigration and Naturalization.

828. By Mr. THOMPSON: Petition of 390 representative farmers residing in the seven counties of the fifth congressional district of Ohio, urging the passage of a tax reduction law; to the Committee on Ways and Means.

829. By Mr. TREADWAY: Petition of the North Adams Chapter of Hadassah, of North Adams, Mass., by Mrs. H. Entin, president, in opposition to the immigration bill (H. R. 101); to the Committee on Immigration and Naturalization.

830. By Mr. VARE: Petition of Philadelphia Board of Trade, opposing the enactment of Senate bill 919 amending the Federal reserve law; to the Committee on Banking and Currency.

831. Also, petition of the Philadelphia Board of Trade, protesting against the taxation of tax-exempt securities held by estates; to the Committee of Ways and Means.

SENATE.

FRIDAY, February 1, 1924.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, Thou hast permitted us to see the light of another day and to enter upon another month. We bless Thee for Thy care in the days and months gone by, and while we can not change or revise in the least the record made, we ask Thee, our Father, to be gracious with us and so guide our thoughts and influence our determinations that they shall meet with Thine own blessed sanction.

We come this morning and specially bring to Thee, asking Thee in great mercy and in infinite tenderness to be with Thy servant who is so very low. Minister unto him who has ministered honorably in the high station of President so very recently. Be in that sick room, we beseech of Thee. Grant wisdom, we ask, to his physicians. Stay and comfort the wife of his heart. Be near to all the interests that gather about him. And we humbly beseech Thee, if it is Thy will, that he may be recovered. If not, we ask that Thou wilt give unto him an abundant entrance into Thy heavenly kingdom. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, January 28, 1924, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Keyes	Robinson
Ball	Ferris	King	Sheppard
Bayard	Fess	Lodge	Shields
Borah	Frazier	McKellar	Shipstead
Brandegee	George	McKinley	Shortridge
Brookhart	Gerry	McLean	Simmons
Broussard	Glass	McNary	Smith
Bruce	Gooding	Mayfield	Stanley
Bursum	Greene	Moses	Sterling
Capper	Hale	Neely	Swanson
Caraway	Harrell	Norbeck	Trammell
Copeland	Harris	Norris	Wadsworth
Congens	Harrison	Oddie	Walsh, Mass.
Connally	Hoffin	Overman	Warren
Curtis	Howell	Pepper	Watson
Dale	Johnson, Calif.	Phipps	Wheeler
Dial	Johnson, Minn.	Pittman	Willis
Edge	Jones, N. Mex.	Ralston	
Elkins	Jones, Wash.	Ransdell	
Ernst	Kendrick	Reed, Mo.	

Mr. CURTIS. I wish to announce that the Senator from Wisconsin [Mr. LENROOT], the Senator from Utah [Mr. SMOOT], the Senator from North Dakota [Mr. LADD], the Senator from Oregon [Mr. STANFIELD], the Senator from South Dakota [Mr. NORBECK], the Senator from New Mexico [Mr. BURSUM], and the Senator from Arizona [Mr. CAMERON], are in attendance upon a meeting of the Committee on Public Lands and Surveys.

Mr. GERRY. I wish to state that the Senator from Montana [Mr. WALSH], the Senator from Colorado [Mr. ADAMS], and the Senator from Washington [Mr. DILL] are absent at the committee meeting just mentioned by the Senator from Kansas.

The PRESIDENT pro tempore. Seventy-seven Senators have answered to their names. There is a quorum present.

ALBERT B. FALL.

Mr. ASHURST. Mr. President, as I am compelled to leave the Chamber in a few moments I wish to address the Senate briefly at this time.

I discovered this morning in the Record, on page 1741, a very remarkable speech delivered by the able Senator from New Hampshire [Mr. MOSES]. In conclusion he said:

Here we shall continue to find the partisan pack in full bay—Blanche, Tray, and Sweetheart all hot upon the scent. Here I suppose we shall continue to see and the country will not fail to take notice of a proceeding in which we find sick chambers invaded by a jazz band, a ghoulish dance performed in a cemetery, and partisan snipers making a rifle pit of the grave of Warren Harding.

I wish to make some reply to the observations of the Senator from New Hampshire. They are without foundation, and whoever informed the Senator that such proceedings were going on here or elsewhere is very much mistaken.

On the contrary, on December 6, 1919, a man lay sick at the White House. He was a casualty of the war as truly as any soldier was. He is a man whose soul may soon become a part of eternity itself. He is a man who never used the precious gift of God called life for other purpose than to advance the ideals he believed to be right for peace, justice, and truth.

On the 6th of December, 1919, a procedure took place, emanating from a committee of this body, the like of which was never before known in the American Government. The precincts of the sick room were disturbed. The door was rapped upon. A bitter partisan in the person of the then Senator from New Mexico, Mr. Fall, rapped upon the door, causing the sick man to lay aside the covers that he might see the condition of this man who was so seriously ill.

Now, what is the situation? A great misfortune has come into the life of ex-Secretary Fall, but the Committee on Public Lands and Surveys refuses and disdains to rap upon his door to ascertain his condition. No member of the Committee on Public Lands and Surveys went to the sick chamber of that unfortunate man to ascertain his condition. They have too much respect for the proprieties of the occasion. They have too much respect for a sick man and too much sympathy for human suffering to do such a thing.

The speech of the Senator from New Hampshire is offensive, coming from the side that promoted, encouraged, and voted to send an offensive partisan to hammer upon the door of a sick President.

Mr. HEFLIN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Alabama?

Mr. ASHURST. I yield the floor.

Mr. HEFLIN. Before the Senator takes his seat I would like to inquire if this Senator from New Hampshire [Mr. MOSES] is the same Senator who wrote a letter to the President inquiring about his physical condition at that time?

Mr. ASHURST. No; he did not write a letter to the President. He wrote a letter to somebody else, saying that if the President survived he would never be of any force or any consequence in public affairs thereafter.

Mr. HEFLIN. And claimed that he had—

Mr. ASHURST. I have stated what the letter said.

Mr. BORAH. Mr. President, what is the order of business?

The PRESIDENT pro tempore. The presentation of petitions and memorials is in order.

Mr. ASHURST. Having surrendered the floor, that is not to be considered as taking me off the floor at all. I surrender the floor. If anybody wants to challenge the accuracy of the record, he has that right. I shall remain in the Chamber to hear any such challenge.

The PRESIDENT pro tempore. The Chair is not taking the Senator from Arizona from the floor.

Mr. ASHURST. I thank the Chair. The Chair could not do so.

GREAT BRITAIN'S SURPLUS TONNAGE.

Mr. BAYARD. Mr. President, I present a bulletin of the Atlantic Coast Shipbuilders' Association of February 1, 1924, relative to the disposition of Great Britain's surplus tonnage, which I ask may be printed in the Record.